

CITIZEN ACCESS TO COMPLEX ENVIRONMENTAL
DECISION MAKING: A CASE STUDY OF THE PROPOSED
LNG PROJECTS IN OREGON

by

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The ideals of popular sovereignty and equal access to involvement in the political process among all citizens are fundamental to the structure of democracy. The National Environmental Policy Act (NEPA) was passed in 1996 in attempt to preserve these values in agency environmental decision making process, in addition to mandating agency consideration of environmental impacts. However, decades of public participation research has revealed that citizens do not always have equal access to decision making processes that impact their surrounding environment. This research examines the experience of citizens engaged with NEPA mandated regulatory processes through a case study of citizens impacted by the Pacific Connector Gas Pipeline and Jordan Cove Energy Project proposals. Both the resources utilized by citizens in order to participate and the challenges citizens faced throughout engagement are addressed in this research. Results of the research reveal that current public participation practices produce a circumstance in which maintaining a high level of engagement in decision making processes is are taxing to participants and requires extensive participant commitment. Based on these results this document provides a suggestion for an educational resource to aid citizens in participating more effectively.

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Introduction

Foundational to the success of a democracy is the ideal that all people should have an equal opportunity to participate in political life. Regardless of an individual's outward appearance or belief system, under democratic rule each person is granted the authority to make their voice heard during political proceedings. Correspondingly, all members of a citizen body have the right to stand up in support of actions they believe will be just and beneficial to society, and against actions they do not. Unlike other forms of government, democratic rule mandates that decision-making power should not rest solely with a few individuals, but rather reflect public opinion. Elected officials, although granted a higher degree of power than lay citizens, should remain beholden to the citizens they represent, and promote the decisions and actions most widely supported by the public body.

Unsurprisingly, this ideal image of democracy is not always upheld during government proceeding and decision-making processes. As divisions of power and privilege have stratified US populations, so too has influence over political proceedings become reserved for only certain portions of the population, leaving other communities distanced or excluded from political life. Often this inequality hides behind perceptions of equal opportunity in government proceedings, or the belief that all citizens are able to participate in the political process regardless of the resources available to them. However, we see this facade demystified in several areas of policy making and government action. As failings in this system are increasingly being brought to light, citizens have begun standing up to assert that their right to participation in decision-making process that impact their lives is being compromised.

Born from a desire among planners and policy makers to improve the state of equity and authenticity in decision-making processes, the study of public participation has emerged. For decades, scholars have examined methods that are most effective in ensuring meaningful public engagement experiences for citizen participants. One area of policy that has become an increasingly pivotal concern for citizens and scholars alike is public participation in environmental policy decisions. Citizens concern in regards to environmental decisions stems from fear over the personal impacts that may result from these decisions as well as overarching environmental concerns.

The National Environmental Policy Act (NEPA) stands as a set of rules and regulations to promote environmental considerations in agency decision-making and mandate inclusion of the public voice in deliberation processes. Under the NEPA, every project proposal with the potential to have a significant environmental impact is assigned a lead agency to head NEPA-mandated review processes. These review processes include efforts to involve public participants in the deliberation process and integrate the opinions of impacted citizens in the final decision. Citizens are given the opportunity to provide comments, via public meetings and written submissions, during the lead agencies initial scoping period and as well as during their composition and revision of the environmental impact statement.

While seemingly effective in theory, in practice NEPA structured decision-making often fails to provide a platform where the voices of all affected groups will be heard and acknowledged. This structure tends to ignore factors such as unequal access to resources among citizens and between the public citizens and project proponents. Citizens attempting to engage in NEPA permitting processes may face a variety of

barriers that inhibit their ability to participate or the extent to which they are able to participate. Additionally, this structure does not consider the participation experience of citizens engaged in decision-making processes and the impact this involvement may have on their lives.

One example of the experience of citizens participating in a NEPA-mandated agency decision-making process is the case of the Pacific Connector Natural Gas Pipeline and Jordan Cove Energy Project Export Terminal that are proposed through Southern Oregon. These projects were originally proposed in 2007 and the FERC (Federal Energy Regulatory Commission) still stand undecided on whether or not they will be permitted. The pipeline stretched 232 miles across the state of Oregon, crossing forests, waterways and miles of private property. Significant adverse environmental effects are expected to result from building and operating the proposed pipeline and terminal. Additionally, Jordan Cove and Pacific Connector are attempting to use eminent domain to seize the portions of private land crossed by the proposed route. As the project currently stands, both the draft and final environmental impact statement have been published by the FERC. While a percentage of citizens are in support of the project, there has been significant public opposition of the project among impacted landowners and community members. Citizens in opposition to the project have questioned whether the use of eminent domain is justified in this case and do not believe the economic incentives for local communities outweigh the adverse impacts of the proposed projects.

For over a decade, citizens affected by this project have been diligently participating in the regulatory process and fighting for a place at the deliberation table.

Impacted citizens have attended meetings and contributed to comment periods, and experienced varying levels satisfaction and challenge in participation. In examining a case of this nature, which has the potential to significantly impact the state of Oregon and its residents, it is especially important to consider the experience of citizens engaged in the permitting process. Analyzing the public's participation in this process is important because it highlights the extent to which citizens have been included in determining whether or not this project should be permitted; a decision that has immense potential to impact their lives.

This research aims to examine the experience of participants in the case of the projects proposed by Jordan Cove and Pacific Connector; it considers both resources citizens felt were necessary for participation in the regulatory process as well as the impacts on individuals that resulted from their participation. In examining the case of Jordan Cove and Pacific Connector, this research strives to more generally address the issue of public participation in complex environmental decision-making under NEPA and identify areas for improvement in the process.

I researched this topic by conducting interviews with individuals whose land or community would be significantly impacted by the proposed natural gas projects. Twenty-two individuals were interviewed throughout the research period. Interview questions prompted participants to speak about their participation experience. Interview questions highlighted factors such as citizens access to decision-making spaces, access to information, time spent engaged in participation activities as well as how citizens viewed the regulatory process and the impact that participation had on their lives. I chose interviews as my research method, versus a more formulaic method such as

surveys, in order to gain a more thorough understanding of citizens experiences and not limit the type of information participation were able to share. In analyzing the data generated by citizen interviews, I looked at the issues and themes that surfaced most frequently among interviews and how these issues did or did not relate to one another.

The results of this research revealed a variety of factors that contribute to citizens' engagement experience. Factors that emerged as being significant to citizens' participation experience include the resources and capabilities that were necessary in order for individuals to participate, such as time, access to information and decision making spaces and financial resources. Factors also included citizens' mistrust of the regulatory process and their perception of an imbalance in power between public citizens and the companies proposing these projects, as well as the emotional impacts of participation. Interview results also exposed that certain factors compounded on one another and exacerbated the intensity of existing factors.

Based on these research results, I have concluded that citizens have two basic options in terms of their participation in this type of regulatory process. A percentage of citizens choose to participate in the process and must be willing to provide an extensive amount of commitment to their efforts and risk negative impacts on their lives as a result of participation. However, large portion of the effected public end up feeling overwhelmed by the participation process or do not have the resources to participate, and choose to withdraw from the process altogether. This present scenario is not ideal for incorporating the public voice into decision-making processes because these options discourage rather than encourage citizens from participating.

The final section of this paper contains a recommendation to improve citizens' ability to effectively participate in the regulatory process and work to balance the power that citizens, in comparison to companies, have in their ability to participate. This educational resource would provide citizens with an explanation of the proposed project and the regulatory process, specific to permitting the project at hand, written in terms that are accessible to the average public. This resource would also be proactive in informing citizens of their full range of rights and opportunities to insert themselves in the regulatory process and make their voice heard.

Chapter 2: Literature Review

Over the past 30 years, public participation has increasingly gained attention and popularity in the US. Many areas of planning and public policy have begun to recognize the importance of public participation in decision-making and planning processes, and acknowledge participation as right of citizens rather than a privilege. In recent decades, researchers and scholars have detailed the positive outcomes of public participation, as well as the costs to agencies and citizens. Extensive focus has also been placed on narrowing down best practices for public participation and determining which methods are proven to be most equitable and effective.

Public participation is a broad term that can encompass a wide range of individuals and activities. The word “public” refers to stakeholders in a decision or those that would be impacted by the outcome. Sinclair, Diduck and Fitzpatrick (1995, p. 221) explain that “public” refers to, “a constantly shifting multiplicity of organizations, individuals, interests, and coalitions,” and that there are many publics and not only one. This term is used to describe individual citizens and informal groups of citizens, but also includes more formalized organized groups such as nonprofit, educational, or advocacy organizations, corporations and associations (Dietz & Stern, 2008, p. 15). Participation is widely defined as any act of engagement in societal decision-making. Participation includes political involvement or speaking out in relation to a policy or decision, this can range from writing letters to the editor to staging protests, and from voting to attending public meetings.

While popularization of the term “public participation” has grown in recent decades, the concept dates back to the principles upon which our government was built.

Public participation is rooted in the ideals of equality and popular sovereignty (Spyke, 1999, p. 267); it is built on the belief that decision-making power should not lie solely with a few elected representatives, but reflect the voices of all people. The theory of popular sovereignty, or rule of the people, emphasizes personal autonomy and stems from the belief that every person has an equal right and opportunity to participate in political life (Hourdequin, Landes, Hanson, & Craig, 2012, p.38). Public participation serves as a means to strengthen democratic values within a society and guard the public interest (Shepherd & Bowler, 1997, p.728). Citizens value the right of public participation as it provides a means to limit and redistribute government power (Bray, 1991, 1112), and ideally keep the actions of elected representatives in line with public opinion.

Depending upon the entity that a decision is being made by, differing levels of participation are available to the public. Some levels of participation allow for a more legitimate platform for the public voice than others. In her innovative and popularly referenced article, “A Ladder of Citizen Participation,” Sherry Arnstein outlines what she believes to be the eight levels of participation that are available to citizens. Arnstein describes public participation as the redistribution of power to deliberately include citizens who may not typically have a strong voice in political processes (1996, p. 216). However, Arnstein makes a clear distinction between practicing the “empty ritual of participation,” and facilitating meaningful opportunities for citizens to be heard.

The lowest rungs on Arnstein’s ladder include activities that stand behind the guise of participation, while in reality serve to merely inform the public or “cure” them of their concerns. The middle portion of the ladder allows citizens to be heard and

consulted, but reserves primary decision-making authority to those in the greatest positions of power, with no evidence that public opinion will be taken into account in their decisions. Partnership, delegated power, and citizen control are the rungs that lie at the top of the ladder. To varying degrees, these rungs allow for negotiation and meaningful dialogue between citizens and power holders and ensure that public opinion sustains a central role in a political decision. It is important to note that achieving the uppermost rungs of Arnstein's ladder are not an appropriate goal for all decision-making processes. In some cases, it is not practical for the majority of decision-making power to lie in the hands of citizens. However it is crucial to acknowledge the varied levels of engagement that the broad term "public participation" covers, and recognize the difference between those which meaningfully integrate the public voice (some of the higher rungs of the ladder) and those which do not (the lower rungs of the ladder).

Public Participation in Environmental Decision Making

Public participation in environmental decision-making is an area of research that has been singled in on in recent years and includes a set of risks and challenges that are unique within the study of public participation at large. As climate change is becoming a critical concern for citizens across the globe, and natural resources are being depleted at an unsustainable rate, controversies over environmental decision-making have heated up as well. Citizens have worked to secure their place at environmental decision-making tables with increasing force, and there is much evidence to support that including citizen input in this category of decisions is beneficial to agencies and the public alike. However, significant challenges to participation for citizens and agencies have been identified as well.

Environmental issues are often described in the literature as “wicked” problems. “Wicked” problems have no clear solution, or have solutions that will have only temporarily resolve the issue and where there is no method to measure the level of resolve that has been achieved (Beierle & Cayford, 2008, p. 5, Hoover & Stern, 2014, p.160). Deliberations over environmental problems include a complex network of risks and impacts to both humans and the natural world, and provide a limited opportunity for solutions that satisfy all stakeholders in the decision. Dietz and Stern (2008) write that, “decisions that affect the environment thus present special challenges because of the need for scientific understanding of the dynamics of coupled human and natural systems” (p.7).

Environmental deliberations require maintaining a constant balance between the impacts of human societies occupation of the earth and the constraints of the natural world, both physical and biological, and weighing what the outcomes will be for both (Mihaly, 2009, p. 158). Furthermore, environmental change operates at a large scale both in terms of the amount of space that one decision can impact and the length of time required to make and implement a decision. Decisions of this nature are particularly impactful because they may also effectual for several years and decades after they are implemented (Dietz & Stern, 2008, p.7).

Environmental decision-making processes are especially lengthy because of the wide range of considerations that must be included in these decisions. Not only is it essential that a balance between the health of the environment and the needs of mankind is maintained during these proceedings, a wide range of impacts and concerns among human populations must be taken into account as well. Debates over environmental

planning issues are controversial and at times emotional for members of the public. As the state of our planet grows increasingly grim, many citizens are impassioned to protect the environment that is left and secure justice for future generations. On the other hand, many citizens are confronted with environmental risks and hazards on a much more personal level. Decisions regarding how the environment can be utilized and when it should be protected have a direct impact on the land and communities where citizens reside. Therefore, these decisions affect people's safety, health livelihood and cultural or spiritual beliefs. Dietz and Stern explain that the choices that arise in environmental decision-making are not only technical and scientific in nature, but also political, social, cultural and economic, presenting complex negotiations between interest and values. For these reasons, environmental deliberation is an issue of personal significance to many members of the public and taps into deeply rooted fears and values.

The multidimensional nature of environmental decisions and their widespread impact supports the notion that gaining public perspective is especially critical in these types of deliberations. Pohjola and Tuomisto assert, in reference to environment issues, "In such settings of physical, chemical, biological, and societal complexity, it is widely accepted to include plural perspectives, particularly from the affected parties" (2011, p. 2). In managing a deliberation that includes such a diverse range of factors, it is misguided to assume that all of the necessary pieces of information could be provided by experts and scientists alone. On the contrary, in these deliberations it is especially critical that decision makers utilize all information that may enhance their final

decision, which includes knowledge from citizens (especially those who will be directly impacted by the decision) as well as experts.

Benefits to Agencies and the Public

Besides the fact that public participation is mandated in many areas of US law, government entities promote these practices because clear benefits have been recognized for both agencies and citizens. Advantages include the ability to make decisions that are equitable, well informed and widely supported, as well as the opportunity to improve citizen-government relations and foster civic and democratic values.

Public participation is often viewed as a mechanism to strengthen the democratic values of the citizen body, build social capital, and create a more empowered and politically informed population (Beierle & Cayford, 2002, p.4). Public participation is especially critical in empowering groups whose voices have been systematically ignored and silenced in the past. O’Faircheallaigh (2013), explains that if the practice is facilitated in a meaningful and effective manner, engaging the public can create a more equitable decision-making process and provide a platform for historically marginalized groups to make their voice heard (p. 23). Public participation can empower citizens to speak out against injustice and work towards creating a social system that more closely reflects their values and opinions. Furthermore, by working together and engaging in deliberation and problem solving, citizens undergo political education and social learning (O’Faircheallaigh, 2013, p.21, Mihaly, 2009, p. 158). In these processes, citizens may have the opportunity to exercise knowledge and skills that assist them not only for participation in the particular controversy at hand, but also

benefit their overall ability to collaborate and participate in political processes. Social learning within a population creates a more informed, engaged, and politically active citizen body. O’Faircheallaigh (2013) presents the perspective that political and social learning through public participation is not only advantageous to a citizen body, but a right and obligation which all citizens are beholden to. Through this lens, individuals cannot develop their full potential as citizens except through participation in governance processes (p.22).

Strengthening civic and democratic values through effective public participation can also increase the level of trust that exists between agencies and the public and promote a greater level of mutual understanding (Mihaly, 2009, p. 164, Hourdequin, Landes, Hanson & Craig, 2012, p. 38). Public participation provides citizens with an opportunity to not only understand the political process more clearly, but also gain exposure to the challenges faced by government officials in navigating complex decisions. Shepherd and Bowler (1997) affirm that building a greater level of government-citizen trust and a more politically informed public is beneficial not only in terms of ensuring that the current decision is implemented smoothly, but also in building capacity for future decision-making processes (p.728). If citizens have a positive experience in their engagement and begin to view the government in a more favorable light, they will be more inclined to play a useful role in future deliberations.

In addition to improving trust and capacity building, public involvement allows for higher quality decisions that achieve more long-term success rather than decisions where public opinion is not taken into account. In reaching a decision that is relevant and effective, decision makers must take into account all impacts that would result from

the decision, both positive and negative, and realize the extent of those impacts. Several authors have contended that only through accounting for all pieces of relevant information are decision makers able to make the most informed and well considered decision possible (O’Faircheallaigh, 2010, p. 21, Houredequin, Landes, Hanson & Craig, 2012, p.38). While drawing on scientific and expert knowledge is exceedingly necessary in this process, delegating supreme decision-making power to experts alone has proven risky because critical information can be overlooked or not properly analyzed (O’Faircheallaigh, 2013, p. 21, Dietz & Stern, 2008, p. 34). Therefore, equally valuable to expert opinion, is the knowledge and experiences of citizens who would be most immediately impacted by the decision. In many instances public participants have lived and interacted with the area impacted by a decision and can therefore provide a wealth of local knowledge that is otherwise unavailable to non-local decision makers.

O’Faircheallaigh (2013) explains that public input ensures that issues concerning existing ecological or social conditions and how local communities would be impacted are all taken into consideration during the course of a deliberation (p. 21). In addition to the provision of local knowledge, incorporation of the public voice provides decision makers with a more accurate understanding of issues that are of the greatest concern to impacted parties (Mihaly, 2009, p. 164). As part of their domain of local knowledge, citizens have a much more accurate sense of the weight and depth of the potential impacts than do individuals who are more removed from the area (O’Faircheallaigh, 2013, 21). Often project proponents will emphasize potential project benefits while downplaying anticipated negative impacts (O’Faircheallaigh, 2013, 21).

This biased presentation of anticipated project impacts makes it increasingly important for citizen knowledge and projections to be shared and considered.

Citizen involvement also provides an opportunity for the public to assist in solving complex environmental and social issues that arise throughout the course of the deliberation and suggest ideas or alternatives. Local citizens share a unique relationship with the impacted land and may therefore have access to a greater range of ideas for solutions that are grounded in observation and experience. O’Faircheallaigh (2010) points at that through participation, the public can serve as a source of creativity and innovation and highlight new and useful concepts for decision makers, offering insights that may not be clear to scientists or agency staff (O’Faircheallaigh, 2010, p. 21, Mihaly, 2009, p. 164).

Another positive outcome of facilitating civic engagement in decision-making processes is more pervasive public approval of the final decision. Dietz and Stern (2008) conclude that in decisions where the deliberation process included genuine opportunities for public participation, the results are viewed by the public as more accurate and legitimate than decisions generated by agency officials alone (p. 226). Engaging in significant participation processes and having the opportunity to share their perspectives and opinions on an issue, promote a feeling of ownership over a decision among public stakeholders (Shephard & Bowler, 729).

Shephard and Bowler (1997) point out that increased investment and ownership in agency decisions also lessen the chance of agencies facing public backlash during or after project implementation (p.221). Often, when citizens are excluded from decision making process or included through means that they do not consider legitimate,

agencies face significant opposition and hostility from the public. A dissatisfied public may respond social movements, lobbying or judicial action (Dietz & Stern, 2008, p.35), consequently creating a barrier to agencies in carrying out project plans. Public opposition to a decision may generate significant costs for an agency both financial, in terms of legal suites, and by impeding their ability to implement the decision in a timely manner.

Costs for Agencies and the Public

Despite the advantages that public participation offers, agencies are often hesitant to implement these practices into decision-making processes. There are several drawbacks and perceived costs for agencies that may push them to make decisions internally and avoid public participation or not use it as a legitimate means to inform their final decision. Agencies may view inclusion of the public as a less than appealing option because these practices can include financial, time, and staffing constraints (Hoover, & Stern, 2014, p.159) for agencies as well as force them to concede a percentage of their decision-making power.

Carrying out effective public participation practices requires agencies to provide additional staffing to facilitate these practices which serves as an additional financial draw on an often already costly decision-making process. Agencies and project proponents, anxious to implement a proposed project, may fear that including substantial public participation processes will delay their ability to reach and employ a final decision (Shephard & Bowler, 1997 , p.725). Driven by principles of efficiency and expeditious, government agencies often have a negative view of mechanisms that are costly and slow agency decisions (Lawrence & Deagen, 2001, p.866). In many

instances, agencies do not believe that the benefits produced by public participation practices outweigh the resulting costs (Dietz & Stern, 2008, p.9).

Finally, many scholars have discussed the perception among agencies that including public participation in decision-making processes is highly risky and relinquishing a percentage of power to the public may not result in a higher quality decision. Spyke (1999) points out that striving to include an extensive range of public interests may result in agencies being forced to settle on the lowest common denominator decision (p. 273). It is nearly impossible to accommodate the interest and opinions of all impacted or concerned citizens, and in attempting to do so a decision may be chosen that fits the greatest number of shared criteria but is not necessarily the most intelligent or practical option. Another concern, which frequently surfaces in the literature, is a fear among government officials that lay citizens are simply not equipped to manage the technical and scientific complexity required in environmental deliberations. Environmental decisions often require an expert level of knowledge, both in science and policy, in order to even understand and begin deliberation. While citizens are experts in the domain of local and cultural knowledge, scholars have argued that the information and science provided by experts should effectively trump local input and stand as the most significant source of knowledge in decision making process (Dietz & Stern, 2008 , p. 33-34).

An additional concern that has been raised in terms of designating decision-making power to the public is that it may not in fact result in a more fair and equitable decision. Scholars and officials who have voiced concern over power sharing attest that humans are inherently self-interested and will have the tendency to secure their needs

without considering the greater social good (Hoover & Stern, 2014, p.159).

Furthermore, practices of public participation do not necessarily ensure that the decision will more accurately reflect the views of the public because the individuals who end up participating are not always representative of the general public (Dietz & Stern, 2008 , p.11). A percentage of citizens are unable or choose not to participate in public engagement opportunities for a variety of reasons, therefore decreasing the likelihood that all interests are brought to the table by the individuals who are able to participate. Additionally barriers to participation often run along racial or socioeconomic lines and therefore further silence historically marginalized groups.

Flaws in Environmental Public Participation Practices

As Dietz and Stern (2008) point out in their book regarding environmental decision making, “Public participation requirements have been embedded in virtually every important piece of environmental legislation in the United States and Canada since the 1970’s” (p. 10). However, Dietz and Stern, along with the majority of public participation scholars, recognize that practices of public participation among government agencies are far from perfect. As the study and implementation of public participation practices has become more popular in recent decades and the social climate of the country has shifted, flaws and areas for improvement in public participation practices have surfaced. Countless studies have examined topics concerned with public participation in environmental agency decision-making such as equity and authenticity in the process, as well as public attitudes towards agency practices. Some of the major issues that have been raised in regards to agency practices are the level of discretion granted to agencies in implementing public participation, a discrepancy in

goals between agencies and the public in terms of participation practices, and barriers faced by citizens to engagement in the process.

Agency Discretion in Public Participation Process

Although public participation in decision-making is mandated for most environmental agencies, terms and requirements for such practices are often not specified in the mandate. Several authors have illuminated the fact that the language dictating public participation requirements is often vague and leaves considerable room for interpretation (Spyke, 1999, p.273). Agencies reserve a considerable amount of discretion in determining who will be involved in the participation process, what “participation” will consist of and how public voices will be integrated into the decision (Dietz & Stern, 2008, p.42). Environmental agencies maintain the choice to be either inclusive or restrictive in integrating the public in decision-making processes and incorporating the public voice in their deliberations. There is not a stated obligation for agencies to create meaningful and satisfying opportunities for public engagement, nor for public input to influence agency decisions (Beierle & Cayford, 2008, p. 68). Dietz & Stern (2008) point out that despite the substantial level of discretion granted to agencies in determining how they will utilize public participation, few studies have focused on exposing how agencies exercise this discretion (p.42). Therefore, little can be stated definitively concerning the way in which agencies select appropriate participation methods and implement public feedback.

Conflicting Goals for Participation Processes

The ambiguity left by vague public participation mandates can result in misunderstandings and an array of different ideas on how public participation should operate and what role it is obligated to play in agency decisions. Opposing views on the function of public participation may lead agencies and the public to enter public participation processes with differing, and sometimes conflicting, goals for the process (Dietz & Stern, 2008, p. 45). Entering public participation processes with goals that are vastly different than those held by the agency often leaves participants feeling confused, angry and unsatisfied with the process.

Scholars have deduced that the primary goals of citizens entering participation processes are to integrate their values and interests into the decision-making process and ensure that government agencies are acting in the public interest (Beierle & Cayford, 2002, p.5). Often citizens utilize participation opportunities as means to hold agencies more accountable to the voices of the public and check the legitimacy of the decision-making powers at be. Participation allows individuals a greater level of influence over decisions which will impact their life, fostering a sense of control over their future and a sense confidence in themselves (Spyke, 1999, p. 271). Aside from or in conjunction with these goals, citizens may simply be striving to convince decision makers that their decision is right and should be held by the agency (Spyke, 1999, p. 271).

Conversely, goals of participation on the part of agencies are often more diverse and may differ dramatically from one agency to another. Bray (1999) explains that environmental agencies are beholden to three main constituencies: 1.) the general public 2.) the community most immediately impacted by an agency's action and 3.) the project

proponent (i.e. industry) (p. 1117-1118). Choosing to favor one of these constituencies over another may shape agencies participation goals. Some agencies may choose to foster an inclusive participation environment and seek to empower the public through participation practices. However, the literature indicates that often in managing the diverse range of interests agencies are accountable to, they attempt to lessen the pressure by minimizing public participation or bypassing the process altogether. Agency officials may determine that participation need only be used to generate potentially useful pieces of information to contribute to decision makers (O’Faircheallaigh, 2013 , p.24), or as a tokenistic activity to appease angry citizens and avoid public backlash over a decision (Holmes, 2005, p.28).

Public Participation as Means to Fulfill Requirements

Agencies’ hesitation to implement public participation practices may push officials to execute these practices through methods which are not actually meaningful or influential to the decision-making process. Many authors have discussed the issue of agencies aiming to “check public participation box” before moving forward with their decision (Mckinnley & Harmon, 2002, p.155). Despite the desires among public participants for more authentic methods of engagement, there is widespread concern among participation scholars that often environmental agencies are carrying out these practices simply to fill the public participation requirement.

Hourdequin, Landres, Hanson, and Craig (2012) explain that too often agencies take a “decide, announce, defend,” approach to public participation (40). In this scenario, agencies use public participation to legitimize internally made decisions in which the public voice had little to no influence on the final decision (Dietz & Stern,

2008 , p.52). Spyke (1999) explains that agencies may simply be seeking a “quick and easy stamp of approval” to a decision that has already been determined through expert deliberation (p. 270). Agencies may treat public engagement as a formality rather than an opportunity to identify and respond to public concern and foster genuine deliberation over the decision at hand (Hourdequin, Landres, Hanson & Craig, 2012, p. 40).

Additionally, while building public approval for agency decisions is an advantage to employing public participation practices, agencies have been criticized for utilizing engagement solely for the purpose of avoiding public backlash in the form of litigation and lawsuits (Dietz & Stern, 2008, p.53). Approaching the practice of public participation as a legal obligation and the voices of the public as a bureaucratic hurdle to overcome may minimize the opportunities that agencies provide for engagement and decrease the investment that agencies have in interactions with the public.

Low quality public participation practices have several negative consequences for the public. These practices may leave citizens feeling unsatisfied by their participation experience and frustrated by the limited influence they have been allowed. Beierle and Cayford (2008) go on to describe active citizens as opponents or impediments to reliable decisions in the eyes of some agency actors. This uncommitted attitude towards engagement efforts can result in public participation practices that exist primarily of agencies convincing an uneducated public into supporting the agencies preferred outcomes (p.75). Not only can inadequate participation practices leave citizens feeling unsatisfied, they may also be used to manipulate citizens into supporting a decision they know little about, and take advantage of participants who have not been educated on the legal and scientific knowledge that plays into these decisions.

Timing of Public Participation

One mechanism utilized by agencies to limit public influence is including public participation efforts only in the later stages of a public participation process. Citizens and public participation scholars have criticized agencies for failing to seek input during early stages of the process, where public opinion has a greater chance of impacting the final decision. Many authors and citizens feel that the decision is already made by the time public input is sought (Spyke, 1999, p.278), when the process should be working exactly in the opposite way. Bray (1999) contends that public participation typically arises so late in the decision-making process that it does not allow public input to influence project alternative or key project variables (p.1129). Webler and Tuler (2006) go on to explain that integrating public participation more consistently and at earlier stages in the process would allow citizens to place topics on the agenda, explore uncertainties, and discuss values (p.711).

Inequity in Public Participation Practices

Although ideals of public participation maintain that all citizens should have equal access to public participation and therefore have an equal opportunity to influence decision-making processes, actual proceedings often stray from this ideal. The social and financial stratifications that exist in populations are often reinforced or exacerbated through participation practices. Mckinnley and Harmon (2002) write that historically embedded inequalities may pose a challenge for certain groups to express their views and opinions, analyze alternative decisions and have their voice taken seriously and effectively cover all (p. 160). Individuals in minority or disadvantaged communities may lack the financial resources or education levels required to participate in

conventional regulatory processes or feel uncomfortable interacting with government officials.

In an article outlining the strengths and weaknesses of environmental justice in the NEPA system, Outka (2006) lists the EPA suggested vantage points through which environmental justice can be viewed. These vantage points include: 1.) whether a potential for disproportionate risk or hazard exists for a certain community, 2.) whether communities have been meaningfully involved in the decision making process, and 3.) whether communities currently suffer or have historically suffered from environmental risks or hazards (p. 606). As the goal of NEPA is to assure that *all* citizens have the right to a safe, productive and aesthetically and culturally fulfilling environment (p.605), it seems fitting that the NEPA processes should include these environmental justice considerations. However Outka concludes that these considerations are dependent upon how each agencies chooses to interpret and utilize the NEPA mandates, thereby leaving the potential for agency proceedings to ignore issues of environmental justice altogether.

By ignoring the prevalence of environmental injustice in environmental policy and decision-making, decision-making processes can further marginalize disadvantaged communities both in terms of limiting their participation and producing a decision that provides disproportionate harm or risk to certain communities. Ventriss and Kuentzel (2005) argue that there are, “systematic ways that people become excluded, marginalized or disqualified from this participation status, despite the best intentioned efforts of some agency managers to be inclusive (p. 522).” In other words, by not addressing issues of inequality that inherently exist within a population, patterns of

injustice and marginalization may be perpetuated through regulatory processes.

Supporting equitable processes requires agency officials to confront societal inequalities and acknowledge that certain groups may require additional resources or alternative formats in order to participate at a satisfactory level.

Best Practices for Public Participation

The objectives and needs of a public participation process may differ depending on the issue at hand and the population involved; there is no “one size fits all” model of public participation practices that can be universally applied. However, experts in the field have identified certain characteristics of effective processes that achieve a greater level of public satisfaction than others. Only through identifying and exemplifying characteristics that facilitate a fair and efficient participation process, can citizens and agencies experience the benefits that public participation has the potential to offer. Characteristics of participation practices that have been identified as most valuable are transparency, legitimacy, flexibility and inclusivity on the part of the agency.

The literature emphasizes that agencies should be transparent both in terms of their goals and expectations for the public participation process and announcing changes as the process progresses. Agencies should be explicit in disclosing how and when public participation will be used and how public input will factor into their deliberation (Dietz & Stern, 2008, p.228). Additionally, agencies should be willing and proactive in regards to sharing project-relevant information and analysis (Dietz & Stern, 2008, p. 234).

Trust between agencies and the public is strengthened when officials justify their recommendations with legitimate evidence and make that information available to

interested public actors (Webler & Tuler, 2006, p.713). Furthermore agencies must be open to citizens clarifying and exploring uncertainties in the information and willing to provide further explanations if needed.

Another important factor of effective participation is conducting a process that includes all interested parties and is flexible in adapting to the needs of a diverse range of citizens (Spyke, 1999, p.265). Although it is nearly impossible for agencies to produce a decision that satisfies the diverse interests of all involved, it is important that all participants feel as though they have had a fair and equal opportunity to participate in the process. Systematic inequalities make it more challenging for certain groups to engage in participation processes and have their voice be heard and included in decision making processes (Brisman, 2013, p.296). It crucial that agencies recognize these inherent inequalities and work to accommodate disadvantaged stakeholders in order to ensure that all participants have an a place at the decision-making table.

Summary of NEPA Mandating Decision Making Processes

In 1969 the U.S. passed the National Environmental Policy Act, containing a set of national rules and regulations intended to protect the human environment and ensure that citizens impacted by a proposed project have the opportunity to participate in the processes determining whether or not the project will be permitted (Bass & Herson, 1993, p.1). One category of the NEPA's protective capacities outlines "action-forcing" procedures to ensure that federal agency decision makers take environmental factors into account when considering proposed legislation or major federal actions (Bass & Herson, 1993, p. 1). One of the most significant procedures outlined in this portion of NEPA requires federal agencies to prepare an environmental impact statement (EIS) for

action or legislation that would significantly affect the quality of the human environment (Bass & Herson, 1993, p.2).

For proposed projects or environmental decisions a federal agency is designated as the lead agency for each proposal. Lead agencies are responsible for ensuring that NEPA regulations are followed during decision-making processes. These responsibilities include conducting the necessary procedures leading up to the publication of the EIS and ensuring that the content of the final statement is legally adequate and includes all of the necessary elements (Bass & Herson, 1993, p. 13 & p. 44). In addition to the lead agency, other coordinating agencies are also responsible for contributing to the preparation of the EIS. Federal agencies are considered coordinating agencies for a project if the agency has jurisdiction by law or special expertise with respect to the environmental impacts associated with the proposal (Bass & Herson, 1993, p.14). According to NEPA regulation, the EIS must provide a comprehensive, yet clear and concise discussion of the significant environmental impacts associated with a pending decision, and inform both decision-makers and the public of reasonable alternatives that would avoid or minimize potential adverse impacts (Bass & Herson, 1993, p.43).

Preparation of the EIS involves several procedural steps which include publishing a notice of intent to outline an overview of the project, facilitating a scoping period, publishing the draft statement, ensuring public involvement, comment and consultation on the draft statement, Environmental Protection Agency (EPA) review of the draft, and publishing the final statement (Bass & Herson, 1993, pgs. 48-57). Scoping is a process designed to obtain the views of other agencies and the public regarding the

full scope of issues to be addressed in in the EIS (Bass & Herson, 1993, p. 50). The lead agency is required to hold scoping meetings that are open to the public and publish a scoping report that contains a summary of the issues to be evaluated in the EIS (Bass & Herson, 1993, pgs. 52-53). Subsequently, the draft EIS must be prepared in accordance with the results of the scoping process (Bass & Herson, 1993, p. 53).

The lead agency is also responsible for making a “diligent effort” to involve the public in reviewing the draft EIS and preparing the final statement. The agency must provide public notice of the NEPA-related public meetings and hearings, disclose public comments and make pertinent environmental documents available to all interested persons and agencies (Bass & Herson, 1993, p. 53). Relevant documents must be available without charge, or at a fee no more than the actual cost of reproducing the documents (Bass & Herson, 1993, p. 140). Public notice of meetings and hearings can be announced through mediums such as publication in local newspapers or through other local media, alerting interested community organizations, publication in newsletters that are expected to reach potentially interested persons, or directly mailing owners or occupants of nearby or affected property (Bass & Herson, 1993, p. 139). Additionally, in their review of the draft statement, the agency must invite and consider written public comments from relevant agencies and from the public, in particular persons who have a vested interest in the project or would be affected (Bass & Herson, 1993, p. 131). The final EIS must include the agency’s responses to comments and an explanation of the decision selection process.

In an article discussing the opportunities for environmental justice in the NEPA regulatory process, Outka (2006) points out that NEPA regulations do not contain a

requirement that agencies select the most environmentally sensitive choice in their final decision (p.605). Outka explains that NEPA's procedural goal is to ensure that officials make decisions based on the understanding of environmental risks and consequences and "take actions" that protect, restore and enhance the environment. However, the extent to which agency decisions must align with a commitment to environmental preservation and enhancement are not specified. Many believe that the NEPA's weak alignment with environmental goals and values leaves a limited space for processes under this act to serve as legitimate tools for environmental preservation or to enhance environmental justice (p.605).

Chapter 3: Summary of Jordan Cove Energy and Pacific Connector Project Proposals

In the fall of 2007 Jordan Cove filed an application to the Federal Energy Regulatory Commission (FERC) to construct and operate a liquefied natural gas (LNG) terminal in Coos Bay, Oregon. Simultaneously, Pacific Connector filed an application to construct and operate a natural gas pipeline that would connect the Jordan Cove LNG terminals with existing natural gas transportation systems (Federal Energy Regulatory Commission, 2015, p.1.3). Natural gas, primarily composed of methane, is a naturally occurring fossil fuel used for a variety of sources including cooking, heating, industrial, electric generation and in some cases to fuel motor vehicles (Federal Energy Regulatory Commission, 2015, p.1.3). Natural gas is obtained from underground sources through hydraulic fracturing, commonly known as fracking, and transported through pipelines (Federal Energy Regulatory Commission, 2015, p.1.3). When cooled to approximately -260 F degrees, natural gas turns into a liquid state and becomes 600 times more compact than its equivalent amount of gas vapors.

Once liquefied, natural gas can be more easily stored and transported great distances. Following arrival at its final destination, liquefied natural gas can be warmed and re-vaporized into a gaseous state (Federal Energy Regulatory Commission, 2015, p.1.3). The two companies involved, Pacific Connector and Jordan Cove, are both Delaware limited partnerships, but are authorized to do business in the state of Oregon (Federal Energy Regulatory Commission, 2016, p.2).

Jordan Cove proposes to construct the LNG export terminal on the bay side of the North Spit of Coos Bay Oregon near the coast of the Pacific Ocean in Coos County

(Federal Energy Regulatory Commission, 2016, p.2.1). In their original application, Jordan Cove stated that the terminal would be for the purposes of importing LNG from international gas markets. However, in 2012, the company filed a revised request which outlined that due to changes in the availability of domestic natural gas since 2007, the terminal would now be for export purposes (Federal Energy Regulatory Commission, 2015, p.1.6). The main components of the terminal would include a connection to the Pacific Connector pipeline and gas processing plant, an electric power plant and utility corridor, four liquefaction trains, two LNG storage tanks, a transfer pipeline to the berth, loading facilities as the berth, a marine slip and an access channel for LNG vessels (Federal Energy Regulatory Commission, 2015, p.2.1).

Project Infrastructure Details

The Pacific Connector would connect with Gas Transmission Northwest Corporation and Ruby pipelines near Malin Oregon (Federal Energy Regulatory Commission, 2015, p.2.32), which transport natural gas from western Canada and the Rocky Mountains (Federal Energy Regulatory Commission, 2016, P. 3). From Malin the pipeline would stretch 232 miles to the Jordan Cove terminal at Coos Bay (Federal Energy Regulatory Commission, 2015, p. 2.32), crossing Klamath, Jackson, Douglas and Coos counties. A map of the proposed route can be found in Figures 1 and 2 and a table of statistics for impacted counties can be found in Figure 3.

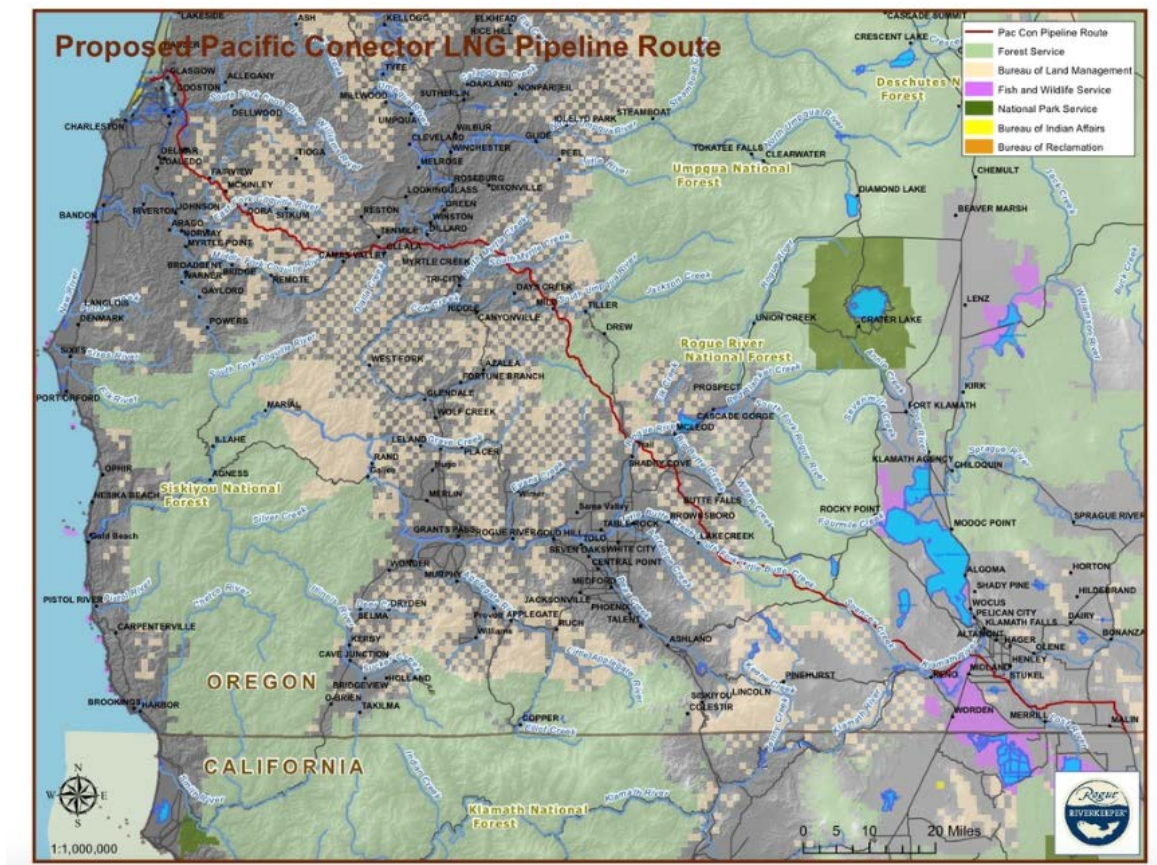


Figure 1: Map of Proposed Pacific Connector LNG Pipeline Route and Jordan Cove Energy Export Terminal (Generated by No LNG Exports)

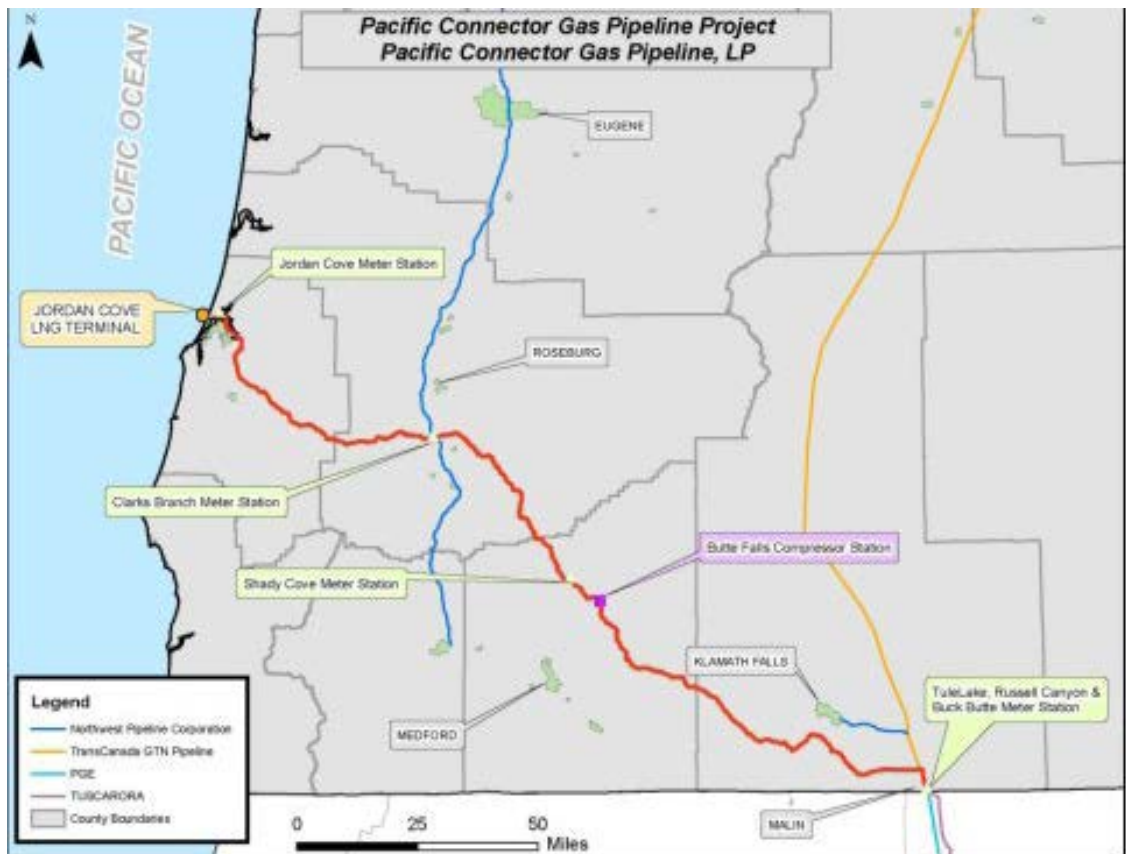


Figure 2: Map of Proposed Pacific Pipeline Route and Jordan Cove Export Terminal
(Generated by the Oregon Department of Environmental Quality)

	Coos	Douglas	Jackson	Klamath	State Average
Population Per Square Mile (2010)	39.5	21.4	73.0	11.2	39.9
Persons 65 Years and Over	24.6%	24.2%	20.8%	19.8%	16.4%
Identifies as White	90.4%	92.9%	92.5%	89.1%	87.6%
High School Graduate or Higher (Percent of persons age 25+, 2010-2014)	88.6%	88.1%	88.8%	87.4%	89.5%
Bachelor's Degree or Higher (Percent of persons age 25+, 2010-2014)	18.8%	15.9%	25.1%	19.6%	30.1%
Median Household Income (in 2014 dollars), 2010-2014	\$39,193	\$40,820	\$44,086	\$39,534	\$50,521
Persons in Poverty	19.8%	19.9%	18.1%	21.9%	16.6%

Table 1: Census Statistics for Counties Impacted by the Proposed Pipeline Route

The statistics provided are in percentages of the total county population, taken in 2015 unless otherwise noted.

(United States Census Bureau, 2015)

Approximately 31.2 percent (74.5 miles) of the proposed route lies on federal and state lands (including Forest Service and BLM land), with the remaining 67.9 percent (157.3 miles) on private property (Federal Energy Regulatory Commission, 2016, p. 14). Pacific Connector has made efforts to minimize the potential effects of the project on local communities by proposing 41 percent of the route adjacent to existing power lines, roads, and other pipelines. The remaining 59 percent of the route would be constructed within a newly created right of way on land that is primarily forest, with some agricultural land and rangeland (Federal Energy Regulatory Commission, 2016, p. 13). A generalized zoning map of Oregon can be found in Figure 4.

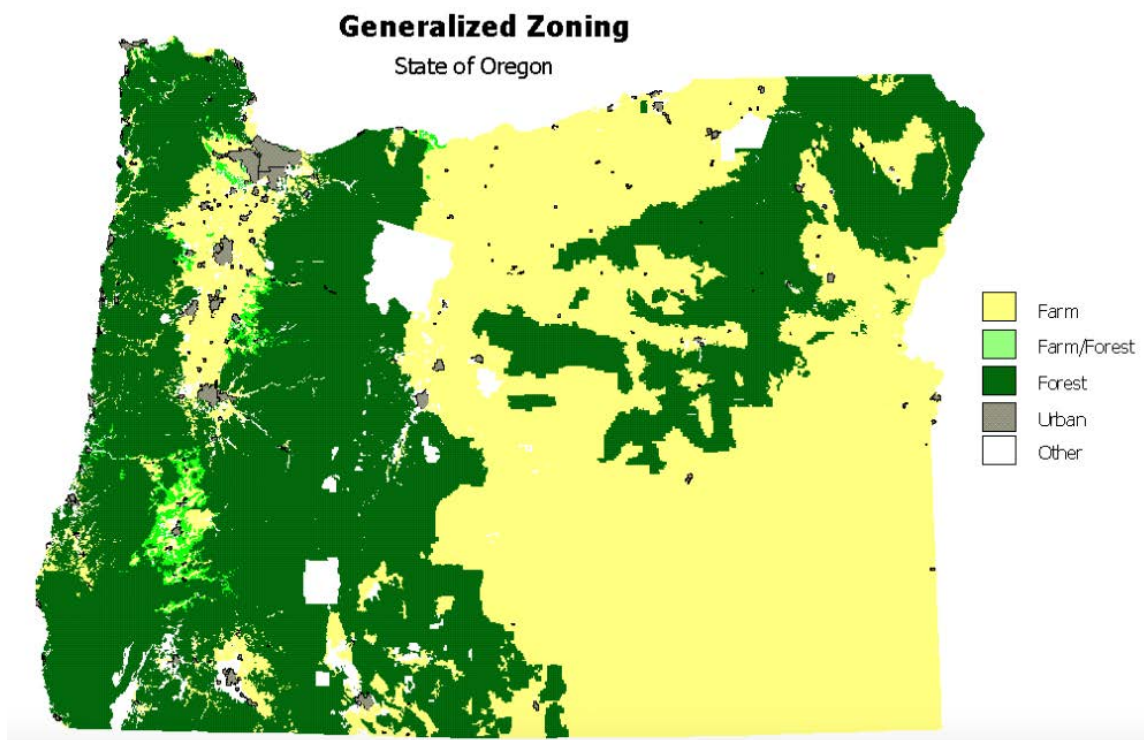


Figure 3: Generalized Zoning Map for the State of Oregon
(Oregon Department of Land Conservation and Development)

The pipeline would be 36 inches in diameter and have the capacity to transport 1.04 billion cubic feet per day of natural gas. This rate of feed from the Pacific Connector would enable the production of up to 6.8 million metric tons of LNG annually from the Jordan Cove Terminal (Federal Energy Regulatory Commission, 2016, p. 2). Gas transported to the terminal would be shipped to Asian markets as well as potentially Alaska and Hawaii following liquefaction (Federal Energy Regulatory Commission, 2016, p. 3). Jordan Cove and Pacific Connector stated that the proposal for their projects came in response to a rising international demand for United States and Canadian natural gas supplies (Federal Energy Regulatory Commission, 2016, p. 7). Pacific Connector stated that in addition to its deliveries to the Jordan Cove export

terminal, the pipeline would provide natural gas deliveries in Southern Oregon through an interconnection with Northwest Pipeline GP's (Federal Energy Regulatory Commission, 2016, p. 4). The buildings, utilities and support facilities associated with the Pacific Connector Pipeline would include a natural gas compressor station located on a 31-acre site in Klamath County, containing three 20,500 horsepower compressor units and meter stations located at four separate locations along the pipeline route to measure flow and house equipment and communication towers installed at each meter station (Federal Energy Regulatory Commission, 2016, p. 5-6).

Predicted Project Impacts

Adverse effects that have been identified as potential consequences of constructing and operating the two projects are primarily environmental or socioeconomic. Environmental consequences have been identified that would impact large portions of forest and waterways throughout Oregon and the species that reside there. Portions of the route that cut through forested areas, including Forest Service and BLM land, would require a linear clear cut that would measure 95- feet in width to aid the construction and operation of the pipeline. A clear cut of this size would degrade and erode habitat for endangered species, increase erosion, and may include cutting trees in old growth and riparian reserves (Federal Energy Regulatory Commission, 2014, p. ES.5 & 2.84).

Additionally, the proposed Pacific Connector route would cross approximately 400 bodies of water in the Coos, Coquille, Umpqua, Rogue, and Klamath watersheds. The disruption to these waterways as a result of constructing and operating the pipeline would violate temperatures for salmon and other cold water fish, and cause increased

sedimentation which would further threaten fish habitat (Federal Energy Regulatory Commission, 2014, p. ES.5 & 2.84). In total, the pipeline project alone would impact 32 federally endangered or threatened species (Federal Energy Regulatory Commission, 2014, p.2.26).

There is also concern among landowners and community members living within close proximity of the proposed route regarding the safety of the pipeline and terminal. Regulators have acknowledged that leaks in the pipeline, which are hard to avoid in pipeline operation, could lead to flammable and potentially explosive vapor clouds and liquid pool fire (Sickinger, 2015). Additionally, the Cascadia Subduction Zone, which runs parallel to Coos Bay and lies eight miles of the coastline, is overdue for a mega thrust earthquake whose precise time of recurrence is nearly impossible to predict (Sickinger, 2014). Although Jordan Cove has taken safety precautions into consideration in designing the export terminal, there is still concern among citizens regarding the impacts that an earthquake of such immense magnitude would have on Jordan Cove's facility and subsequently the effect on the surrounding community.

An additional concern among citizens across the state of Oregon is the amount of greenhouse gases that would be emitted as a product of the project's construction and operation, as well as the fracking required to produce the natural gas being transported. While these impacts are acknowledged in the FEIS, the FERC concludes that the magnitude of these impacts are impossible to estimate, and therefore not appropriate to include in the impact statement. The FEIS states that, "The 'life cycle' cumulative environmental impacts from exploration, production and gathering of natural gas; transportation to Pacific Connector; and shipment of LNG overseas from the Jordan

Cove terminal are far beyond the jurisdictional authority of the FERC or the activities directly related to the project (Federal Energy Regulatory Commission, 2015, p.1.22).” Despite the FERC’s quickness to dismiss the greenhouse gas emissions that would be produced by this project, citizens and scientists have taken a closer look at these impacts. An article posted in *The Oregonian* in 2014, surmised that if built, this project would become the most significant source of greenhouse gas emissions in the state, after the Boardman Coal plant shuts down in 2020 (Sickinger, 2014). The article predicts that Jordan Cove’s power plant would produce 2.1 million metric tons of CO₂ a year and several more million metrics tons as a result of methane leakages at drill sites and along the pipeline route.

Use of Eminent Domain in Project Proposal

In addition to issues of safety and environmental degradation, concerns have been raised regarding the legitimacy of utilizing private land as part of the pipeline route. There are approximately 700 landowners who reside on property that is along or adjacent to the proposed route or associated facilities. Many of these landowners would be threatened with eminent domain to secure the right of way needed for construction of the pipeline (Federal Energy Regulatory Commission, 2014, p. ES.5, A.11, & A-20). Landowners would be limited on the activities that could be conducted and the type of crops that could be grown on land reserved for the right-of-way. Many landowners also feel as though their privacy and safety would be compromised if part of the pipeline were to be constructed on their property.

The exercise of eminent domain is defined as the condemnation of private land for public use, while providing “just compensation” to the private landowner whose

land is being seized (Campbell, 1997, p. 6). However, the court decision which ruled that eminent domain seizures were constitutionally sound, provided little guidance in defining the parameters for “public use” in this context. An explanation of what constitutes “just compensation” to private landowners has been left vaguely defined as well (Thomas, 2010, p. 565). The ambiguity of how and when eminent domain can be utilized has historically been the object of much debate and controversy. The exercise of eminent domain to secure the Pacific Connector pipeline right of way is controversial because there has been question as to whether or not the construction of a private company's pipeline can be considered “public use.” Both Pacific Connector and Jordan Cove have stated that the construction and operation of the proposed projects would create jobs and boost the economy of Southern Oregon. Estimates provided by the EIS are that during peak construction periods of the LNG export terminal, 2,100 people would be employed by the project and that the pipeline would be constructed over the course of two years, with an average monthly workforce of 1,400 people (Federal Energy Regulatory Commission, 2015, p. 5.18). However, both companies have also disclosed that 50 percent or more of the workforce recruited to construct and operate the pipeline and terminal would be non-local workers (Federal Energy Regulatory Commission, 2015, p. 5.18). Additionally, citizens have raised concerns that industries such as fisheries, oyster farms and tourism which are vital to the economic health of Coos Bay will be significantly impaired by habitat degradation caused by the project.

Steps for Agency Approval of Proposed Projects

The lead federal agency responsible for coordinating all federal authorizations for the Pacific Connector pipeline and the Jordan Cove LNG export terminal, including

preparation of the EIS, is the Federal Energy Regulatory Commission (FERC) (Federal Energy Regulatory Commission, 2015, p.1.1). Other agencies which contributed to the preparation of the EIS include the United States Department of Agriculture, Forest Service Pacific Northwest Region, U.S. Army Corps of Engineers Portland District, U.S. Department of Energy, Environmental Protection Agency, Department of Homeland Security Coast Guard, U.S. Department of the Interior Bureau of Land Management, and the Pipeline and Hazardous Materials Safety Administration (Federal Energy Regulatory Commission, 2015, p. 1.2). An agency involved in coordinating the EIS has jurisdiction by law or special expertise with respect to different environmental impacts involved with the proposal and can therefore participate in the NEPA analysis (Federal Energy Regulatory Commission, 2015, p. 1.3). Two agencies in particular whose input in the EIS is critical are the Bureau of Land Management (BLM) and the Forest Service. The primary contribution of the BLM and Forest Service to the EIS is to disclose the environmental impacts that the construction and operation of the Pacific Connector Pipeline would have on BLM and National Forest Service (NFS) lands, and evaluate land management plan amendments (Federal Energy Regulatory Commission, 2015, p. ES.2). There are other federal agencies, not listed, that must be consulted or must issue permits or approvals in order for the project to be constructed (Federal Energy Regulatory Commission, 2015, p. 1.22). In addition to federal permitting approval, there are various laws and regulations which the state of Oregon is responsible for that must also be in compliance in order for the project to move forward (Federal Energy Regulatory Commission, 2015, p. 1.48).

In its considerations of whether or not to authorize natural gas facilities used for exportation, the Commission (FERC) is required to consider whether or not the pipeline and associated facilities would be consistent with the public interest (Federal Energy Regulatory Commission, 2015, p. 1.12-1.13). According to the EIS, the Commission bases its decision on technical competence, financing of the project, rates, market demand, gas supply, environmental impacts, long-term feasibility, and other issues concerning a proposed project (Federal Energy Regulatory Commission, 2015, p. 1.13). If significant environmental impacts associated with the project are identified, measures to avoid, reduce, or mitigate those adverse effects are described in the EIS (Federal Energy Regulatory Commission, 2015, p. 1.14).

After approving separate requests from Jordan Cove and Pacific Connector to initiate a pre-filing review process, FERC began its environmental review of the two projects in May and June of 2012 (Federal Energy Regulatory Commission, 2015, p. ES.2). During August of the same year, FERC issued a notice of intent to prepare an Environmental Impact Statement for the Jordan Cove terminal and Pacific Connector Pipeline (Federal Energy Regulatory Commission, 2015, p. ES.2). Accompanying the notice of intent FERC released a request for comments on environmental issues relating to the project, and notice of scoping meetings that would occur in the following months (Federal Energy Regulatory Commission, 2015, p. ES-2). According to the EIS, seven public meetings were held during the scoping period, which lasted until October of 2012 (Federal Energy Regulatory Commission, 2015, p. ES-2). In May and June of 2013, both companies filed formal applications with FERC to begin the NEPA review process (Federal Energy Regulatory Commission, 2015, p. ES.1). On November 7,

2014, FERC issued a Notice of Availability (NOA) for the Draft Environmental Impact Statement (DEIS). A 90-day comment period followed the release of the DEIS and ended on February 13, 2015 (Federal Energy Regulatory Commission, 2015, p. ES.3). According to FERC, comments from public meetings as well as written comments from the comment period were taken into consideration in developing the final impact statement (Federal Energy Regulatory Commission, 2015, p. ES.3). The Final Environmental Impact Statement (FEIS) was issued on September 30, 2015.

The ability to approve or deny an application for the siting, construction, expansion or operation of an LNG terminal is reserved exclusively for FERC. However it is not specified in the act enumerating these powers that the lead agency's capabilities are intended to overrule other federal authorities (Federal Energy Regulatory Commission, 2015, p. 1.23). States retain federally delegated responsibilities and rights under regulations such as the Coastal Zone Management Act (CZMA), Clean Air Act (CAA), and Clean Water Act (CWA) (Federal Energy Regulatory Commission, 2015, p. 1.23). Often FERC officials will revert to the judgment of state or local government entities in considering certain aspects of the project and allow these opinions to play a significant role in their final decision. In total there are 32 agencies and government entities that either play a role in FERC decision, either through granting or denying permits or advising FERC officials.

An example of the issuances and review required from agencies other than FERC include the issuance of Right-of-Ways (ROW) by the Bureau of Land Management (BLM). Complete project approval requires a ROW Grant to Pacific Connector for pipeline easement over federal lands. This decision must be in

concurrence with the Forest Service and U.S. Department of the Interior Bureau of Reclamation, as well as being in line with the National Forest Service Land and Resource Management Plans for that particular area (Federal Energy Regulatory Commission, 2015, p. 1.3 & 1.15). A summarized table of contributing agencies is provided below in Table 2, the complete list of agencies can be found in the Appendix (Table 3).

Governmental Category	Entities by Category	Number of Actions by Category	Examples of Actions
FEDERAL	18	39	<u>U.S. Department of the Interior Fish and Wildlife Service:</u> <ul style="list-style-type: none"> • Provide a biological opinion if the project is likely to affect terrestrial federally-listed threatened and endangered species or their habitat. • Provide comments to prevent loss of and damage to wildlife resources. • Consultation regarding compliance with Migratory Bird Treaty Act
STATE	14	30	<u>Oregon Department of Transportation (ODOT):</u> <ul style="list-style-type: none"> • Review and approve traffic management plans. • Permits to be issues from each (DOT) office to allow construction within state highway right of way (ROW) and use of state highways for project access, and where utilities would cross over, under, or run parallel to ODOT ROWs.

COUNTY	4	13	<u>All Counties:</u> <ul style="list-style-type: none"> • Review permits to cross county roads. • Review permits for excavation and grading activities. • Review permits for disposal of solid waste generated by construction.
CITY	2	4	<u>City of Coos Bay:</u> <ul style="list-style-type: none"> • Issue conditional use permit zoning verification.

Table 2: Major Permits, Approvals, and Consultations for the Jordan Cove Energy and Pacific Connector Gas Pipeline and Terminal Table Summary
(Federal Energy Regulatory Commission, 2015, 1.14-1.36)

Throughout the construction process of the EIS and after the release of the final statement several motions to intervene and protests were filed by related agencies, nonprofit organizations and the public (Federal Energy Regulatory Commission, 2016, p. 9-10). The FERC stated that they received comments on a wide variety of environmental issues (Federal Energy Regulatory Commission, 2015, p. 1.60). By the end of the announced scoping period, the FERC received 170 comments on the project, including 130 letters from individuals from non-government organizations, 5 letter from federal agencies, and 2 letters from members of the U.S. Congress. Additionally 429 form letter were filed, as well as additional comment letters filed after the issuance of the DEIS and FEIS (Federal Energy Regulatory Commission, 2015, p. 1.60-1.61).

In addition to submitting comments, citizens and organization in opposition to the project have undertaken actions outside of the regulatory process to express their opinions. Citizen groups have organized several noteworthy protests and rallies in order

to gain the attention of Oregon representatives and gain media attention to inform citizens across the state of the proposed projects. Some of the most noteworthy of these protests include several rallies at the State Capitol in Salem that included several hundred protesters, and a 36-Day hike along the pipeline route during the summer of 2015 in protest of the project.

Based on the impacts and benefits outlined in the FEIS, FERC was expected to issue a Record of Decision regarding whether or not to grant permission to begin construction of the pipeline and terminal before the end of 2015 (Davis, 2016) FERC's final decision was delayed until late in 2016.

Chapter 4: Research Methods and Question

Research Question

Research for this thesis is focused on the experience of the public participating in the decision-making process which determines whether or not the Jordan Cove Export Terminal and Pacific Connector Pipeline will be permitted. Hoover and Stern (2014) describe both internal and external constraints to achieving a successful public participation process; internal constraints being the methods and resources utilized by the agency, and external constraints being the resources required by citizens and other stakeholder parties in order to effectively participate (p. 170). These constraints create challenges for participants to effectively participate in the environmental impact assessment (EIA) processes. This research question I examine is: what kind of constraints do citizens face during their participation in the EIA processes, what are the impacts of those constraints, and how can these processes be improved.

The research examines both the challenges landowners and impacted citizens faced to participation in the regulatory process that determined the outcome of these two proposed projects as well as the resources these individuals felt were needed in order to participate at a satisfactory level. Challenges faced by participants may be in terms of barriers that hindered their ability to participate in the process or negative impacts they experienced as a result of their public involvement. This project looks only at the experience of citizens involved with the process and does not examine the efforts or constraints of the agency in this case.

In analyzing the experiences of participants, it is important to note the limits of public involvement in this type of decision. Due to both the stage in the process at which citizens were given the opportunity to participate and the proponents' objectives for the project, the opportunity for generating compromises or alternative solutions to the original proposal is limited. The two definitive outcomes for this deliberation are either that the pipeline and terminal are denied or permitted, with little room for other options. Therefore, the breadth of public input is limited as well. Without the space to collaborate with project proponents or suggest alternatives, the public must determine their opinion on the project and attempt to sway FERC and other relevant agencies of their opinion. While some negotiation may be available in terms of adjusting the exact route of the pipeline or the amount of compensation granted to landowners, the two outcomes clear-cut outcomes are definitive.

In gaining a better understand of the barriers to and resources needed for effective participation in this pipeline case, results of this research will hopefully provide some insight into the challenges faced by citizens participating in the NEPA process generally. By contributing to this area of research this study will also serve as an aid to creating a system that is more supportive and conducive to public input in NEPA decision-making processes.

Methods

To fully understand the experience of citizen participation, I use a qualitative methodology based on in-depth personal interviews. The specific case was chosen for this research project because of several components. From a national perspective, this case is important because it outlines a narrative, communities faced with proposed

pipeline projects, that is becoming increasingly common across the West Coast and nation at large. It provides an example of a NEPA decision-making process in which the impacted landowners and communities have made a meaningful effort to be to engage in the regulatory process. This case contains both legal and technical complexities that participants navigated in order to participate. Additionally, researching the experiences of impacted landowners and communities in Southern Oregon illuminates the challenges in participation that are often unique to rural populations.

Also illuminated in this case is the unique perspective associated with ordinary citizen participants engaging against the proposal of a large private entity. Finally, this particular case was also selected in large part because the primary investigator was in contact with several impacted landowners prior to beginning research and had access to a database of potential interview participants.

Research was conducted by interviewing landowners whose property is crossed by the proposed pipeline route and citizens whose community or livelihood would be significantly impacted by the projects. Participants were chosen with the intent of gathering a wide range of perspectives from individuals across different sections of the pipeline route, as well as variety in terms of socioeconomic status, political affiliation and position on the proposed projects. The list of contact information for potential participants was obtained from a landowner who the primary researcher was in contact with prior to beginning the research process. This list consisted of impacted landowners whose contact information was generated by identifying the tax lots crosses by the proposed pipeline route, and of individuals from impacted communities who have been active in providing public input.

Additionally, throughout the research process, additional potential interview participants were identified by individuals being interviewed in a 'snowball' survey fashion. From the list of potential participants, individuals were chosen at random to be contacted and asked to participate in the study. Potential participations were contacted via mailed letters, emails, phone calls, or a combination of the three. The method of recruitment was dependent upon the type of correspondence technology that the potential participant had access to, and the type of contact information that was available for that individual.

In total 135 potential participants were contacted and asked to participate in the study. Of the individuals contacted, twenty-two individuals were willing and able to be interviewed for the study. However, one couple and one set of sisters are included in this overall number but were interviewed together and provided consistent answers to interview questions. In the results, these pairs are presented as one response, and percentages are out of twenty. Two participants were members of impacted communities but whose land is not directly crossed by the proposed route, while eighteen participants were impacted landowners. Of impacted landowners, roughly four participants did not live on the land that would be directly impacted.

Interviews were conducted over the phone, in person and through a form sent via e-mail. Of the twenty individuals that participated in the study, eighteen individuals were interviewed over the phone, one was interviewed in person and one was interviewed through e-mail. Interviews conducted over the phone and in person were recorded using an audio recorder. Interviews, on average, lasted 30 minutes to one hour depending upon how much information the participant was willing to share. Participants

were given the opportunity to share as much or as little information on each question as they felt comfortable.

Interviewing was chosen as the research method for this study in order to generate a qualitative data set. The intent of this research is not aimed at proving or disproving a particular hypothesis but rather centered on revealing the diverse experiences of individuals engaged in the regulatory process. That being said, using a more quantitative research method such as surveying may have constricted the responses of participants and limited their ability to share critical information that may not be prompted from survey questions. Conducting interviews permitted participants to elaborate on key issues and add information that was not explicitly sought in order to provide a more comprehensive illustration of their experience.

Interview questions were broken into three broad categories. The first set of questions was aimed at identifying the barriers that citizens faced in finding and understanding information about the project. The next set of questions focused on the barriers citizens faced in finding and understanding information about the regulatory process involved with permitting projects through NEPA. The second set of questions also promoted individuals to talk about their experience interacting with the regulatory process, writing for comment periods and attending public meetings and comment periods, and the resources that they needed to accomplish these tasks. The final set of questions provided an opportunity for individuals to share the emotional and physical barriers that played a part in their ability to be involved with the regulatory process, as well as whether or not individuals felt as though their voices and opinions have been

heard throughout the process. A full list of interview questions can be found in Table 4 of the Appendix.

Once the interviews were recorded, they were transposed into an Excel file and categorized based on the interview questions. After key information from interviews was entered into the Excel document, the information was reviewed again in search of the themes and challenges that surfaced consistently across interviews. In order to compare the experiences of different individuals on similar topics, the interview data was then re-categorized by the primary themes and challenges. While reviewing the interview data in terms of differences and similarities experienced by participants on particular aspects of the process, I was able to more clearly understand the challenges that were brought up. This technique allowed me to examine the factors that contributed to the barriers that were raised and understand the relationship between issues that were discussed.

Before participants' information was entered into the excel file, each participant was assigned a random pseudonym in order to protect the privacy of the participant. In the research results section participants are referred to by their pseudonym.

Chapter 5: Research Results

Interviewing the impacted landowners and community members regarding their experience interacting with the NEPA process brought to light a variety of challenges faced by these individuals. Barriers that citizens faced to participation include gaining access to the resources required for participation as well as citizen perceptions of the regulatory process and the impact of engagement on their lives overall. Barriers in terms of resources and capabilities include time to engage, the knowledge and skills to understand and respond to information provided throughout the process, physical access to information and decision-making spaces, technological knowledge and access and financial resources. Barriers in terms of perceptions of the process include a lack of trust that the process was being carried out fairly and equitably and a perception of a power imbalance. Additionally, citizens faced the emotional stress of a multi-year process to defend their land.

The first section describes the broad range of factors that contribute to citizens' engagement process. The second part of this section explains how these factors compounded on one another to increase the level of commitment required for participation and the impact on citizens' lives. While the majority of overlapping factors are discussed in the later part of the results section, some factors relate to several different issues and are referenced in the first section as well.

An important distinction to make in examining these research results is that interviewed landowners and community members were engaged in the process at varying levels. Individuals who took advantage of several opportunities to engage and spent a large amount of time and energy being involved are referred to in the results as

having a high degree of involvement. About half, ten participants, can be characterized as highly involved, and the other half less so. The criterion for distinguishing between degrees of involvement is somewhat vague, but does help to highlight trends in among participants' experiences. Noting the degree of involvement for interview participants is more critical regarding some topics more than others. Major trends based on levels of involvement are highlighted in the results.

Additionally, it is important to note that the stories of participants varied immensely and each individual brought up different challenges and experienced the barriers mentioned to different degrees. The results presented should by no means be applied to all individuals impacted by this project. Rather, these results serve to provide a broad based explanation of the many challenges and barriers that were brought up by participants, and highlight those that were most significant across experiences. This section also provides some analysis of research results and an examination of why different factors impact citizens' participation experience.

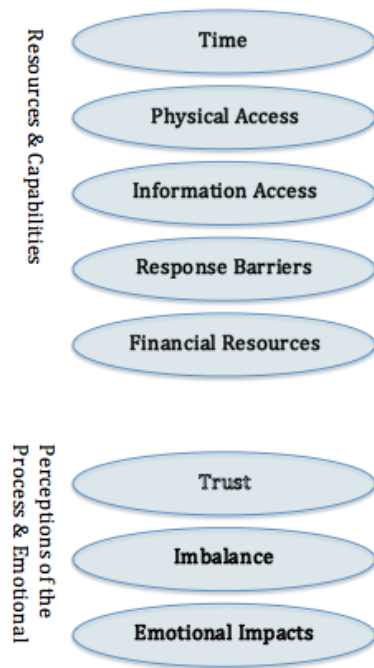


Figure 4: Factors Influencing Participants Engagement Experience

Resources and Capabilities

1. Time

In terms of capabilities that were required of the landowners and community members to participate, the significant amount of time required for engagement came up repeatedly. A majority of participants, thirteen out of twenty, cited time as being at least somewhat of a challenge in terms of their ability to participate; eleven cited time as a significant obstacle. Participants cited several different process elements that required time including the time required to research information about the project and regulatory process, attend meetings and write for comment periods. Participants who were engaged at a higher level were likely to cite time as a significant challenge more often than individuals who were not.

One of the primary factors that contributed to involvement time for participants was researching information about the project and about the regulatory process. The process of reading and responding to informational resources about the project, particularly information contained in the DEIS and FEIS, requires a significant amount of time largely due to the volume of information contained in these documents. Participant Jann Cathy shared that the amount of time it took to read through the several thousand page DEIS in order to understand the extent of the project and be prepared to write comments was “absolutely” a time barrier.

Participants who chose to attend informational meetings or public hearings also cited attendance at these meetings as a time factor. Although the meetings often served as a useful source of information or space for dialogue, the extensive number of meetings and time of day in which meetings took place, proved to be a challenge for several individuals. Cheryl Smith, a landowner who has been fighting to save her land from pipeline construction since the initial planning of the project began over a decade prior, said that the time she has spent engaging with the process has been comparable to a “full time job with no staff.” Smith said that at times she spent 50 to 60 hours a week researching and ensuring that public comments were being submitted by their deadline. Tom Hill, a landowner who has also engaged with the project at a high level, also recounted his involvement with the process as being “full time,” and shared that he has done very little of anything else since the time the project was proposed.

Participants cited that several meetings took place during the middle of the day, which was a time that was not accessible to certain participants. Landowner Cheryl

Smith recalls that some meetings and comment periods were held during holiday times, which impacted the ability of individuals to attend.

Several individuals also spoke to the fact that the time required for involvement in the process was constant, and left no rest periods or breaks for participants. Donald Mason relayed that it was possible to become so involved with the process that a person could spend nearly everyday engaging in some way. He stated, “Everyday there was a deadline to meet, comments to get in.” As Mason and other individuals mentioned, the time pressure was exacerbated by comment periods and meetings being scheduled in close proximity to one another or overlapping. “Many of the processes overlap in such a way that it was virtually impossible to respond to everything in an intellectual and comprehensive way,” expressed Smith.

2. Physical Access to Decision Making Spaces

Physical access to participation spaces is the second basic capability required for participation. Nearly half of participants, nine out of twenty, cited access to meetings as a challenge to their participation to some degree. Participants who cited access as a challenge stated that the meetings were not in a location that was easy or convenient for them to access on a regular basis.

Holden said, “We have requested specifically in this project that meetings be held in each of the four counties so that people aren’t excluded from participating, we have not always gotten that request.” Landowners Karen and Carl White shared that most meetings were held in a county that was over 120 miles away from where they lived. Often the White’s, as well as many other landowners and community members in

similar positions, were not able to participate because they did not have time to travel due to their jobs or other obligations at home.

3. Access to Project and Process Information

Access to information has proved to be a multifaceted issue for interview participants. Participants' ability to access information was impacted by the physical availability of informational materials, as well as whether or not the information was presented in a way that was clear and comprehensible for participants. Finding information that participants perceived as reliable and unbiased stood as an additional challenge. Participants sought information regarding details about the project itself and information concerning the regulatory process and the opportunities for citizens to be involved in the process. Half of interviewees, 10 out of 20, explicitly stated access to reliable information as a challenge to participation; several others mentioned critiques or areas of improvement to the current system of information dissemination.

Obtaining information regarding the project and regulatory process are both critical to the ability of citizens to participate in the process. In order to effectively respond to the documents and permits produced throughout the process, citizens must retain a detailed understanding of the project so that their comments will reflect accurate and relevant information about the project. Additionally, understanding the regulatory process and their rights to participation in it, help to ensure that landowners and community members are producing the right type of comments within the correct timeline. The lack of accessibility to information resources has, for many participants, contributed to the amount of time they spend finding and understanding project and

process information. Furthermore, participants' misconceptions regarding these areas of information inhibited their ability to effectively participate in the process.

3.1 Where to Find Information

Participants cited that it was unclear where information about the project and regulatory process, other than resources provided by the proposal companies, was available. For individuals seeking out a more detailed description of the project or attempting to have specific questions answered, some landowners and community members found it easy to retrieve the information they wanted, while others stated that it was very challenging to find. Upon receiving the initial notice about the project, Jann Cathy remembers that the letter provided almost no information about how to get in contact with the company and learn more about the project. "There was no phone number we could call back to, there was not an address to their office," said Cathy of the letter. The only contact information Cathy gained from the letter was a mailing address.

3.2 Technological Access

Only two participants cited internet or computer access as a significant barrier. However, several more participants stated that they feel though their ability to find information would have been inhibited if they did not have reliable access to the internet or knowledge of how to operate a computer. Cheryl Smith pointed out that while some of the information did come through the mail and was available in local newspaper articles, without knowing how to operate a computer and use it for research it would be very challenging to find all the necessary information to participate. Smith

shared that herself and other impacted landowners in rural communities there is often experience unreliable internet access. Another rural landowner, Tom Hill, lives in a canyon which he said prohibits him from having reliable internet access. In addition to lack of reliable internet, Hill is also incapable of using the computer for research because of intense hand tremors.

3.3 Information Comprehension

An additional capability that was brought up continually was the prior knowledge and literary capabilities required to understand project and process information. Similar to the time barrier challenge, evidence from the interviews revealed that individuals who were engaged at a higher level found the ability to comprehend and respond to information to be a more significant barrier. Several interview participants felt as though the information they gathered about the proposed project was easily understandable and provided a basic explanation of the project and process. However, landowners and community members who sought to understand these topics in more extensive detail found the information available to be less comprehensible. In digging more deeply into these issues, participants were faced with language and concepts that inhibited their ability to understand thoroughly understand the information. Participants mentioned the issue of clarity and comprehension both in terms of written resources and information that was presented during public hearings and meetings.

The proposal and impact statement for both projects contain information regarding the transportation and impacts of natural gas and are therefore technically and scientifically dense. Of the individuals who researched the project proposal and impacts

in detail, all cited that the scientific terminology used to present the information was challenging to interpret. Landowner Jeremy Dowes recalled that often during meetings it became hard to understand and follow what was being discussed. “Like anything you get into there is a terminology used that, if you're kind of an outsider, you have no idea what their talking about,” said Dowes. Like Dowes, many landowners expressed frustration at having very little background knowledge of scientific concepts discussed in these documents and not having access to a resource that would assist them in comprehending the information.

Even in presenting highly technical information, Tom Hill claims that there was no concerted effort to translate the material into more simple language for the sake of public audiences. Hill recalls during one meeting where pipeline details were being described, that the numbers being used in the explanation became extremely hard to follow because they kept switching between units of measure. Hill recounts that even engineers in the crowd were unable to correlate the statistics provided.

Judd Jackson highlighted a slightly different perspective in saying that the greatest challenge to understanding the project falls less on the quality of each individual informational resource, and more on the sheer volume of information citizens must sort through in order to understand the project in its entirety. Jackson explained that the first several pages of the EIS are simply translating all the acronyms that are used in the document “It’s daunting,” said Jackson.

Tom Hill also shared that no landowners or community members he knew of had any experience working with these specific scientific issues until they began participating. Hill and a few other individuals did have a scientific background, which

aided them in understanding the information to a certain extent and in some cases translating it for others. However, Hill shared that the specific scientific concepts that are included in the proposal was not material that he was familiar with, leaving him at a loss for comprehension even with his science background. “This is very difficult for any citizen,” Hill said about researching project details. Hill went on to explain that not only is understanding the information initially a challenge, he pointed out that it's harder for individuals to remember information and be able to use it later on if it was not clear to them initially. “You remember things better if you can understand them,” Hill noted.

Interview participants shared similar testimonies to those above when asked about their experience comprehending information about details of the regulatory process. All of the individuals who were involved at a high level stated that understanding and following the many permits and approvals required in order to pass a project of this nature was a significant challenge. “Until you're on the path, I don't think you know anything about the way it works,” answered landowner Rachel Holden when asked about understanding the regulatory process. Judd Jackson agreed that the process is “massive” and that ultimately, “You learn it by living it.” Participants who cited understanding the process as a barrier brought up both following the complex timeline involved with the regulatory process as well as discerning the legal jargon used throughout government-issued documents.

Charlie Nell spoke extensively about the issue of process comprehension, saying that the extensive amount of legal jargon contained in the information made it challenging to read and understand. Nell stated that often critical pieces of information

were “buried in the legalese” of documents, making it difficult for the public to access and understand important details about the process.

Although two interview participants stated that they had a background in local government or the nonprofit sector and were familiar with general environmental permitting processing, all participants cited that the regulatory process required for the approval of the two proposed projects was unfamiliar to them. All participants engaged at a high level also mentioned that working through information as a collective and collaborating with those that had a better understanding of the processes in question was immensely helpful in clarifying the process. Several individuals felt that without the help of other landowners and community members, they would have been at an even greater disadvantage in grasping how the process operates.

Landowner Keb Hanes recalls that a certain fellow landowner, who had a background in government departmental work, was immensely helpful in translating information to Keb and his peers that was presented during meetings “He could explain things in easier terms,” recounts Keb. Jann Cathy shared that the most challenging portion of the process for her to understand was the state procedures and what agencies were involved with what permit and when different deadlines were taking place. Without the assistance of fellow landowners and community members, Cathy felt that she would not have been able to discern these critical portions of the process. “I was guided by my peers working on this project,” said Cathy, “If it wasn't for them, I would be lost.”

4. Barriers in Responding to Information

For those who chose to be involved with the process at a high level, understanding the available information significantly impacted their ability to formulate written and oral comments and letters to agency officials. In order to produce effective comments, citizens must achieve an in depth understanding of the topic, a more elemental overview will not suffice. Educational background and academic strengths and comfort with public speaking were also factors that impacted participants' ability to compose and share effective comments. Judd Jackson emphasized that those who had life experience with these types of demands could more easily carry out tasks required for participation. In order to produce effective comments, citizens must achieve an in depth understanding of the topic, a more elemental overview will not suffice.

4.1 Personality and Education Barriers

Sharon Black expressed frustration in trying to compose effective comments based on the amount of background information required to merely discuss certain issues. While Black has spent endless hours researching and discussing the project with her peers, she still did not feel as though she had enough understanding to write comments independently. Black explained that often she was forced to simply look at others letters and rephrase their wording to say essentially the same thing in hers. "I couldn't have very many original thoughts because it was too complicated for me," reasoned Black, "I didn't have the expertise to throw something new in there."

A few individuals, Black included, shared that their inability to fully understand the issues barred them from feeling comfortable speaking out during meetings. This discomfort was due in a large part to the specificity required of comments during

meetings and hearings. Meeting facilitators were often only looking for comments on a very narrow set of issues, and would not accept or listen to comments that strayed from that rigid category. Often times citizens were not adequately informed of this set of the specific category before the start of the meeting. In some instances participants did not adequately understand the role of the particular agency leading the meeting and were therefore unable to produce appropriate comments.

For certain topics, two separate hearings would cover issues that had very minor differences between them. These nuances proved difficult to track and discouraged participants from attempting to bring up issues during meetings. “You are kind of afraid to bring content up for fear that you are not exactly within the parameters for exactly what the parameters were suppose to be for that hour,” said Black.

Another requirement for participation at a high level is a high degree of comfort speaking and presenting information at meetings. A few individuals cited lack of comfort speaking at meetings to be a significant barrier in their ability to share their voice. Additionally, several individuals who were comfortable enough to speak out at meetings stated that those who did not feel comfortable in this setting were at a significant disadvantage in terms of involvement. Landowner Rachel Holden stated that being timid is not an option at a public hearing. Jeremy Dowes said that in some meetings he felt comfortable speaking up, and others he was too intimidated to share his opinion. Dowes explained that in the cases where he didn’t speak up, his choice was in part because he didn’t have a sufficient amount of knowledge to make a comment and also because he didn’t feel comfortable speaking in front of a large group.

4.2 Technical Barriers

Some individuals were excluded from this opportunity to engage through written comments or letters because of a lack of technical knowledge and ability. In many instances the expectation of agencies was that comments would be composed and submitted online. Donald Mason shared that writing for comments periods was not an area in which he was able to significantly contribute because he was not comfortable operating a computer.

5. Financial Resources

The final type of resource that is important to mention in this section is financial means. A majority of participants, fourteen out of twenty, cited financial resources as being imperative to their ability to participate, or lack of financial resources as a significant barrier. Participants cited that financial resources were necessary to facilitate their participation in the regulatory process through supporting a variety of actions. These actions include utilizing legal expertise, traveling to public meetings and hearings and being able to take off time from work in order to attend meetings, research or write for comment periods. These factors will be discussed in greater depth in the section regarding imbalance in resources between participants and the company.

Process Perceptions and Emotional Impacts

The following section outlines major perceptions of the project that were shared among participants as well as the emotional impacts they endured throughout the process. It is important to note that the issues of imbalance and dishonest process proceedings are indeed only *perceptions* on the part of public participants. The

framework of this study does not provide any means to verify these claims or include the perspectives of agency or company officials. However, in the context of this research project, the truth behind these claims is not nearly as critical as the fact that participants perceived them to be true. Both distrust and perceived imbalance had a significant impact on the experience of participants and influenced the actions and decisions they made in regards to their engagement. Therefore, although based on perception, it is important that we closely analyze these claims and strive to understand their influence on citizens' access to participation.

1.Trust

Trust and transparency in how the process is being carried out was a factor that was brought up by the entire list of interview participants. Although for some individuals trust and transparency were more defining characteristics of their experience than others, each participant felt these were issues to some extent. Participants felt a lack of trust in how the procedural steps of the decision-making process were being carried out as well as in the integrity of the government officials involved. Landowner Cheryl Smith shared her views on the process, stating “I don’t trust this process, I don’t trust this system, and I don’t think I’m alone in those feelings.” Issues of trust were based on how public meetings and hearings operated, the accuracy of information being sent to landowners and community members and a trust in local representatives with the ability to influence the final decision.

1.1 Public Meetings and Hearings

In addition to composing written comments, attending and speaking at public meetings is one of the most common platforms for citizens to make their voices heard. Although attending meetings and hearings is intended to cultivate an honest exchange of information, the experience of participants did not always meet this ideal. The following section outlines participants' most significant concerns regarding the integrity and effectiveness of public meetings and hearings.

One area of criticism among participants is the set up and organization of public and informational meetings and public hearings. Participants with these concerns felt as though meetings were not set up or conducted in a manner that effectively supported citizen participation or dialogue. Holden recalled a meeting with the Department of State Lands, who she said was reluctant to hold meetings at the outset, as being particularly poor in set up and operation. The meeting took place at a venue that was not large enough to fit all attendees and where no microphone set up initially to help participants hear what each other were saying. Although eventually meeting facilitators were able to set up the necessary equipment, Holden shared that, "The fact that it was so poorly planned I thought was ridiculous."

Several participants cited that lack of time allotted to public comment and feedback during meetings was a barrier. Donald Mason explained that the volume of meeting attendees was so large, that each person was only given a few minutes to talk, which was an inadequate amount of time to provide an impactful comment. On a similar note, Greg Lawrence expressed frustration at the lottery system set up in many meetings that determined which individuals were given the opportunity to speak.

Lawrence stated that in this system only a small percentage of participants were given the opportunity to speak.

The lack of effective management and leadership in meetings led many participants to feel as though meetings were simply a formality on the part of agencies, and not a genuine opportunity to share and receive relevant information. Judd Jackson provided mixed reviews of meeting operations, but does remember some meetings feeling as though officials were conducting meetings simply out of legal obligation. Even after driving several hours a week to and from meetings, Mason never felt like showing up at meetings made a difference. Mason said of the agency officials conducting meetings, “I don’t feel like they even really cared what we said.” In the eyes of Mason, officials leading the meetings didn’t seem to really be listening to the information shared by the public.

Similarly, Jenny Cooley felt that meetings were held to allow citizens with concerns about the project an opportunity to simply, “blow off steam.” Cooley felt as though meeting officials were neither making an effort to ensure a fair and organized process, nor absorbing comments brought up by the public. In some instances, recounts Cooley, there was no formal order established to determine when different individuals were allowed to speak, everyone was talking at the same time and it was challenging to hear questions and answers. “It felt like a waste of time,” Cooley explained.

1.2 Access to Trustworthy Information

Lack of access to trustworthy project details and receiving misinformation about the project were issues cited by a majority of interview participants, sixteen out of twenty. As discussed in the section describing research and technical barriers a handful

of participants cited finding information in general as a significant challenge. A much greater margin, however, mentioned the issue of distinguishing between reliable and unreliable information within the material that was available to them.

While several of the participants who engaged in independent research about the project were eventually able to find resources they trusted, information most accessible to the public was widely mistrusted. Nearly all participants cited that their introduction to the proposed project came from the proposal companies. For individuals who are unwilling or able to research alternative sources, resources provided by these private companies were the only materials they were exposed to. It is therefore important to examine how citizens perceive Jordan Cove and Pacific Connector as a viable source of information.

All participants who spoke about the materials they received from Jordan Cove and Pacific Connector stated that to some extent these resources contained information that was untrue or inaccurate. Donald Mason, who quickly found it was necessary to further investigate any information he received in order to gain a more accurate picture of the situation, stated that the companies are “not scared to put out misinformation.”

Participants’ opinions regarding the company's motives in sending seemingly one-sided information varied among interviewees. Some individuals felt they were being intentionally deceived by Jordan Cove and Pacific Connector, others saw them as simply doing their job to ensure the project was permitted. Several participants stated that the facts provided by proposal companies were simply not true when compared to their other findings, and that they were deliberately sending false information. Tom Hill was one of the landowners who shared this view and refused to communicate with the

company because of it “So many of their employees are so eager to lie,” said Hill.

Sharing a similar experience to that of Hill, Karen and Carl White also stated that they received nothing but dishonest information from the company and no longer feels comfortable corresponding with them. “We feel like there has been a concerted effort to misinform us on the part of the pipeline (company),” asserted the White’s.

Other interview participants did not perceive the company as directly providing misinformation but felt they lacked transparency in presenting project details. Landowner Keb Hanes noted that while perhaps the companies were not blatantly dishonest, they could be charged with “Presenting some of the information to their advantage.” Jeremy Dowes shared that, “I don’t think they were blatantly lying to me, but I don’t think they were necessarily presenting the whole picture.”

Some of these individuals pointed out that, from a business perspective, it is advantageous for the company to explain the proposal in a manner that supports its construction, and in smooths over the less appealing details. “The job of the people that represent the pipeline is to get the pipeline built,” reasoned Judd Jackson. Therefore, Judd explains, the answer to public concern regarding project details and risks is that everything will be okay and that there is no need for distress. “As a casual citizen, you really have to make an effort to dig in and find out what is going on,” informed Jackson. Charlie Nell views the situation as being somewhat inherent to this type of large-scale project. Nell explained that the companies have a lot at stake and are trying to convince landowners to settle at the lowest price possible, making them an untrustworthy source. “It’s the nature of this kind of thing,” admits Nell.

Regardless where the public's information was flowing from, and which of those sources were trustworthy, one issue that stood out was the distinct lack of resources that were both credible *and* unbiased. Not a single interviewee cited a source of information that was entirely impartial. The information sources that served as alternatives to company-provided materials were primarily from environmental conservation groups or opposed landowners and community members. A few participants pointed out the lack of reliable resources that were not slanted for or against the project, and expressed a desire for a resource containing entirely factual information about the project. Cheryl Smith echoed these concerns and spoke about her frustration at the lack of access to an informational resource for citizens to research the advantages and disadvantages of the project before forming an opinion.

In addition to finding accurate general project information, a lack of access to specific project details and how the proposal was progressing through the permitting process proved to be an area of concern as well. Nearly half of participants, eight out of 20, spoke about a lack of transparency regarding details of the project itself and its progression through the regulatory process. Separate from the experiences discussed in the section above in which individuals felt as though the companies were sharing details selectively in order to cast the project in a positive light, roughly a quarter of participants stated that certain project details were simply not available.

A pressing concern among landowners was understanding where the proposed route would cross their land and how their property would be impacted. A few participants stated that they were able to find these details at meetings or through direct communication with agencies. However, others reported that they consistently faced

difficulty in finding answers to project questions and concerns. “Direct answers were very hard,” Keb Hanes remembers in regards to researching project details. Jake Tide reported that after sending direct questions to the pipeline company officials regarding concerns about pipeline safety and impacts to his property, he never received a reply or resolving information. Landowner Jeremy Dowes claims he was never told where on the proposed route crossed his property.

For Jann Cathy, a majority of the details regarding how the project would impact her property were published in the DEIS, but never disclosed to her directly. Cathy, who has previous experience navigating government agencies, was able to effectively search through the several thousand-page document to locate a detailed description of how her property would be impacted. “The things that I found out that they were planning to do to us, that they had never told us, was shocking” declared Cathy. Investigation in the DEIS revealed that blankets were set to be placed over the house on Cathy’s property during construction. The blankets would be put in place to prevent blasted rock from shooting holes through the walls of the house. “They would never tell us any of that,” Cathy stated in response to the sobering facts she discovered. There are other basic information requests that Cathy says are yet to be responded to. She shared that to this day, it has been impossible to find a GIS (geographic information system) map in order to gain a more detailed understanding of the route.

Another gray area in the information available is the lack of resources providing current updates on where the project stands in the permitting process. Although most participants stated that they conveniently received notice of public meetings, hearings, and comment periods from the company, regular updates on how the project was

progressing proved much harder to come by. Keb Hanes shared that the public doesn't really get information about where the company stands and what is going on until it happens. Information about how the permitting process is progressing is not being readily supplied to impacted communities, Hanes went on to explain. Also frustrated by the lack of project updates, Sherry Wood and Jane Jefferson pointed out that there was no working timeline illustrating when different steps of the project might take place. Wood and Jefferson also shared that landowners and community members were not notified when changes in the process, such as permit extensions, were occurring. Without a source where the public can actively seek updates and changes, impacted communities are left simply "just waiting around" for this information, said Wood and Jefferson. Without updates regarding the projects progression through the permitting process, it was unclear to citizens how and when their participation efforts could be most effectively utilized.

1.3 Trust In Representation

The most widely discussed issue in term of trust, was citizens' perceptions of the government officials involved with the decision-making process. A majority of participants, 15 out of 20, brought up concerns over the integrity of the FERC and other government officials in carrying out a fair regulatory process. Many individuals cited that their concerns over the legitimacy of the regulatory process were centered on *how* it was being carried out by officials, and less over the fundamental makeup of the system. Tom Hill shared that the more he becomes involved in the process, the less he trusts how it is being conducted. Hill feels that as the validity of the regulatory procedures become more dependent on the individuals conducting it than on the regulations

themselves, the process becomes dangerous. This trend could result in the structure of the process itself becoming virtually meaningless, said Hill.

Although some individuals stated concerns over the legitimacy and impartiality of the FERC the majority of criticism was aimed towards the local representatives for cities and counties along the proposed route. Unlike the FERC, local representatives do not have a direct impact on permitting proposed projects. However, from the perspective of interview participants, local representatives do play a significant role in determining the outcome of the decision. While the FERC and other key agencies in the process are federal, these agencies often revert to the opinions and judgment of local officials who are more familiar with the local land and communities. Participants explained that being heard by their local representatives is important to them and helps to ensure that their opinions are being reflected in the FERC's deliberation.

However, despite the expectation among citizens for their local representatives to represent the interests of their constituencies, many individuals feel ignored and unspoken for. Many participants feel frustrated that the actions of their local representatives have not aligned with the public opinion. "We just keep thinking, this is America, all we have to do is get enough of us together and the politicians will take it from there," said Jenny Cooley, "I mean after all, we are the people, we elect them, they are suppose to do what the people want." Cooley explained that the actions of her representatives did not meet this expectation. Despite the public outrage and opposition to the project, Cooley believes that more representatives in the state support rather than oppose the project. Some officials have not taken a stance on the project either way, which has also been a source of frustration among impacted individuals.

Many participants believe that their representatives are basing their actions more on monetary incentives offered by the project than the views of their constituencies. Several landowners and community members believe their representatives had been “bought” by the private company. Despite the fact that representatives’ support may be based on a belief that the project would be financially beneficial for impacted communities, participants still feel as though their representatives should be echoing the stance of their constituencies over these financial offers. “I am frustrated by the fact that I don’t trust any of the people that represent me,” said Sharon Black. Black insists that the system does not work in the way she was taught democracy should; she cannot recall a single representative who listened to the voice of the public then changed their mind based on public opinion.

2. Imbalance

Interview participants raised the issue of imbalance between parties engaged in the process in seven out of 20 interviews. Six of the individuals who touched on this barrier were individuals who have been categorized as highly engaged. The overarching factor that participants spoke about in regards to this barrier was an imbalance in power to influence the regulatory process between private companies and the public.

In explaining the perceived imbalance between the public and private parties, participants outlined an unequal access to the resources required for every aspect of the process. Participants also brought up the fact that inequality between parties is somewhat inherent in a process that involves public citizens against a private entity. While progressing through the steps of the regulatory process is the job of company officials, the engagement of the public is entirely on their own time and supported by

their own finances. For any resource required for participation in the process (i.e. time, financial, expertise) the company had seemingly endless access, while access to these resources on the part of the public was finite. The issue of imbalance primarily came up in regards to other challenges faced by participants, and will therefore be discussed further in the sections describing compounding factors.

3. Emotional Impacts

The emotional impacts that have resulted through involvement in the project were discussed during twelve of the twenty interviews. Impacts include the stress associated with meeting deadlines and keeping up with the volume of work required to participate in the process, as well as the anxiety associated with participants protecting their land and safety.

Consistent stress over remaining engaged and up-to-date with the regulatory process for several years was an issue that came up primarily for individuals who maintained a high level of engagement. The continuous toll on participants' time and energy has resulted in immense physical and emotional stress for involved landowners and community members. In several instances the stress of physical involvement, volume of work, and consistent deadlines, is coupled with the anxiety and fear that landowners face at having their land threatened.

Many individuals cited that the seemingly endless stream of meetings and deadlines proved to be a significant source of stress in their personal lives and on their health. "Yes, there is stress," said Judd Jackson of the process, "there is stress when you have deadlines for filing comments, and you want to write a good, effective comment."

Jackson added, “ There is stress of the fact that this thing never goes away, it's always there.”

Not only did significant involvement with the process cause stress and anxiety on a day-to-day basis, in many cases the length of time that individuals withstood the stress added to the impact on their lives. Many feel that the process has been dragged out for an excessive amount of time, and that citizens are being kept in a state of anxiety and anticipation for far too many years. Jackson pointed out that although the project was originally proposed to be built by 2009, the decision-making process has continued through 2016. Many landowners whose property is crossed by the proposed route have been engaged with the process for nearly a decade. Jackson pointed out that although this length of time may be necessary to administer the required permits and approvals, it is taxing for the public to be expected to continue devoting a large percentage of their life to engagement for such an extensive period.

Several participants shared that the length of time required to be involved barred landowners from being able to make decisions about their land and move forward in their lives. Karen White described this challenge by stating, “Its a long time to be held hostage, really.” Sisters Sherry Wood and Jane Anderson spoke extensively about being held “hostage” by the process as well. “Because (the project) has been in limbo for as long as it has, people’s lives have been in limbo as well” said Wood and Anderson. The sisters added that ten years is, “a long time to be constantly in fighting mode.”

Wood and Anderson also shared how remaining in a state of uncertainty about the project for so many years has limited their ability to fully utilize their land. They explained that currently there is a restriction on the type of crop they can grow on their

land. For example, Wood and Anderson feel as though it would not be worth it to grow grapes or Christmas trees on the land. Although these are both lucrative crops that are commonly grown in the area, they also require a root structure that develops over several years in order for the plants to survive. Wood and Anderson feel that if they spent the resources to plant these crops, it is possible that they would have to tear them back out if the pipeline was permitted.

The issue of personal safety and the safety of their land was mentioned as a direct source of stress in a portion of the interviews. Wood and Anderson also explained these issue in depth during their interview, stating that many people are fearful because the proposed route not only crosses through their property but also in close proximity to residents actual homes. Wood and Anderson shared that elderly individuals reside on properties to either side of theirs. Their elderly neighbors have remained in a constant state of fear since the project's; they have expressed anxiety over the possibility of pipeline explosions, and the contamination of their drinking water.

Several interview participants expressed stories of how the stress associated with involvement in the process has decreased their quality of life. "This project has stolen me from my family, and stolen my life from me in order to protect what I have," articulated landowner Cheryl Smith, "All I want to do now is try and remember my kids birthday instead of the final deadlines." Participants who expressed significant emotional impacts from the project explained that the stress and fear they experienced as part of the process tainted other parts of their life because it was so persistent and never left their mind. "It colors everything," shared Jenny Cooley, "My life has not been as good as it could have been because of (involvement with the project)."

Included in the impacts of participation, are a slew of health issues that landowners felt were a consequence of the constant stress they experienced. Cheryl Smith disclosed that many of the landowners and community members who are engaged at a high level, have lost sleep from the stress. Smith says that her health has suffered and that health issues have been diagnosed that were never present in her life before. Several other individuals reported similar adverse health impacts such as loss of sleep and psychological stress. “I literally got so sick from fighting this thing that I had to have a psychiatrist put me on anti-anxiety pills,” relayed landowner Jenny Cooley. She went on to explain that these psychological challenges were not inherent in her personality, but rather a product of the intense stress of this project. “I had never been to a psychiatrist in my entire life,” said Cooley, “I never felt that I ever had the need to.” Eventually friends and family members encouraged Cooley to scale back the extent of her involvement, for the sake of her health.

Compounding Factors

In analyzing the interview data, it became clear that many of the factors mentioned by participants compounded on one another to shape citizens’ participation experience. The compounding of factors added an additional layer of challenge to the barriers that were seemingly innate in how the process operates. Retaining any one of these innate resources can in itself be a very serious barrier to participation and should not be considered lightly. That being said, resources such as time, financial means and literary capabilities are likely to be required for participation in the NEPA regulatory process, regardless of how it is carried out. However, the extent to which these factors

serve as challenges to participants is impacted by how the process is being carried out and citizens’ perception of that process.

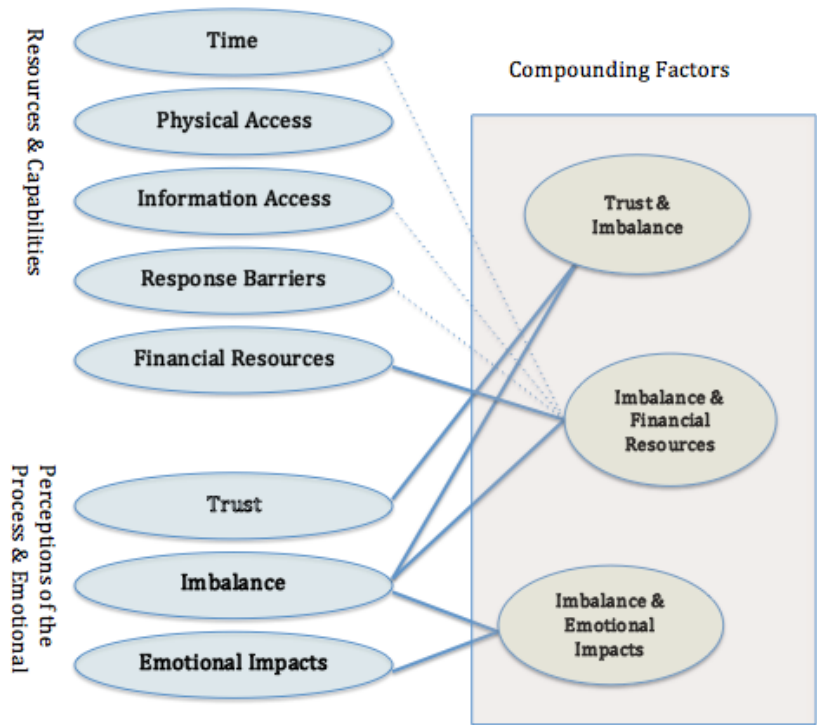


Figure 5: Compounding Factors

1.Trust and Imbalance

Issues of trust in the process and in individuals carrying out the process were in many cases exacerbated by the imbalance in resources and power that is present between the public citizens and private players in this case. Not only did over half of interview participants doubt the fairness and integrity of the process, several of these individuals felt as though the inequality was slanted in favor of the private companies proposing the pipeline and terminal. Issues of general mistrust among participants were exemplified by the perception that the proposal companies were gaining leverage in their pursuits as a result of unjust process proceedings.

Several of the concerns that were cited regarding whether or not meetings were run in a fair and productive manner, were centered around participants perceiving the company being given unfair advantage during meeting proceedings. Some individuals who mentioned this concern felt that meeting officials were unfairly regulating when and for how long individuals on both sides of the issue were allowed to speak. David Callume recounted one meeting in particular which was set up by county commissioners so that attendees who were in opposition to the project were given the opportunity to speak first, while those opposed had to wait. A county commissioner Callume questioned about this practice claimed it was standard procedure that all the pro's go first and all the con's go second. However, Callume contest that this order is not an actual rule for meetings, "he just made that up."

As described in the section outlining trust and transparency issues, a handful of individuals, three out of twenty, felt that the public was not provided with an adequate amount of speaking time during meetings and hearings. In each of these cases, participants stated that representatives from Jordan Cove or Pacific Connector were given significantly more time to speak at meetings than landowners and community members. Sherry Wood and Jane Jefferson revealed that during some meetings, the project applicant's attorney was given as much as thirty minutes to make their case, while the public was held to a much more restrictive time slot. After speaking for two or three minutes participants were often cut off, stated Tom Hill. Hill claims that at times an official would be standing nearby with a clock to ensure the time limit was not breached.

A discrepancy in time allotted for comment was not the only form of bias participants noted during meeting proceedings the integrity of agency officials was questioned by participants in some cases as well. Approximately one fourth of interview participants brought up the issue of government officials favoring the project and therefore not carrying out an entirely fair process. At one meeting Cheryl Smith, who has a professional background in local government, claimed that all attendees were handed a paper upon arrival where they were asked to disclose whether they were for or against the project. This type of inquiry upon entering meetings is illegal, shared Smith. Meeting officials were, “overtly against people that were not in favor of the project,” Smith felt. Subsequently, in the meeting, the county commissioners questions revealed that they were in support of the project, said Smith. They asked leading questions that were favorable to the project that they wanted on record.

2. Imbalance and Emotional Impacts

While some of the primary emotional impacts were discussed in the section laying out the primary factors, these impacts are exacerbated by the imbalance in power between the companies initiating the project and impacted citizens. The effects of a power imbalance worsening the emotional impacts felt by landowners and community members fall into three main categories. Firstly, citizens have a radically different connection to the land and project proposal than agency officials involved with the regulatory process. Additionally citizens are in a position of reacting to a proposal instead of engaging willingly to participate, and unequal costs and benefits are at stake for both sides of the deliberation.

2.1 Emotional Connection to the Land and Project Outcome

Initially, it is important to note the difference between the public citizens and the private companies in terms of their relationship to the land at stake in this project. Most landowners and community members have a significant connection to the land being threatened by the proposed pipeline and terminal. Citizens have contributed labor and financial resources towards their and many have owned the property for decades and maintain familial or cultural ties to the area. For many impacted individuals, the land is their livelihood and provides the foundation for their homes. On the other hand, for the private companies initiating these projects, securing land for the proposed route is an essential step in moving forward with the construction of the pipeline and terminal. While completion of these projects is no doubt a crucial economic venture for the companies involved, their homes and cultural ties are not being threatened.

Familial connection to the land is exemplified by the story of sisters Sherry Wood and Jane Jefferson. Wood and Jefferson, as well as their four other siblings, maintain joint ownership of property threatened by the proposed pipeline route. These two explained that their father went through great lengths to protect the property and keep the land in their family, even making payments on the land while completing military service overseas. “We feel an obligation to the property,” affirmed Wood and Jefferson, “We fought hard for it and we want to hold onto it.” Wood and Jefferson not only discussed familial ties to the land but also brought up the financial ties that local residents have to their land. Many individual have invested their whole life savings into these properties, they explained.

One approach to managing the stress and anxiety associated with the proposed project was shared by Judd Jackson, who has found it necessary to distance himself emotionally from involvement with the project. Jackson explains that although the process is stressful and his wife often expresses fear over the outcome of the process, focusing on the more intellectual requirements of the process has aided him in remaining calm and level headed. “If you can detach your personal feelings from the process and look at it from a more intellectual standpoint, I find that to be helpful,” provided Jackson. However, Jackson recognizes that his singular focus on the intellectual tasks at hand is not an option for many landowners and impacted community members. Some individuals have such a deep level of emotional attachment to their land and safety that they are unable to emotionally detach and shift their focus, admitted Judd Jackson. Jackson recalled a handful of individuals who decreased their level of engagement for a period of time because the stress was having too immense of an impact on themselves and their families.

In many ways the degree to which public and private entities are able to interact with the process is informed by their relationship to the proposed projects. While tasks such as composing and editing the EIS and attending meetings are business duties carried out by company officials and employees, for many citizens each act of participation is a fight toward justice and protection. The company officials’ personal detachment from the land in question is a luxury not afforded to most of the citizen participants.

It was challenging in some cases for participants to engage in an effective manner due to the degree to which they felt related to the project and areas it threatened.

Karen and Carl White shared that they no longer interact with the company or significantly participate because they become too worked up about the issue while engaging. The farm and trees on the White's property are third generation. Their land is a matter of their heart, they explained, and it is too difficult to simply discuss and negotiate its well being in legal terms. "We are too emotional," the couple said, "We will hire a professional to negotiate." Jim Cassick shared that the injustice he feels at this project's proposal and the way in which this process has operated this far has made him so angry that he no longer attends meetings or hearings. Cassick said that he is afraid that if he goes to any more meetings he will become so heated that he will get in trouble.

2.2 Reaction to a Proposed Threat vs. Voluntary Participation

In addition to the difference in connection to the impacted land, there is a distinct imbalance in the level of choice that public and private entities were provided in becoming involved with the regulatory process in this case. The landowners and citizens impacted by this project were not given a choice as to whether or not the proposed route would cross through their land or community. For impacted citizens, involvement in the regulatory process has been in reaction to the proposed pipeline and terminal; it has not been a type of public engagement that most would have participated in voluntarily. Although citizens do have a level of choice as to whether or not they will actively participate in the regulatory process, the proposed threat against their land has been out of their control. For citizens their engagement is centered around protecting, or ensuring, just compensation for the threatened land. By contrast, Jordan Cove and

Pacific Connector entered into the project willingly for the purpose of a business transaction.

Sharon Black, whose air quality would be dangerously impacted by formaldehyde released by the construction and operation of these projects, explains that involvement with the public process is not an undertaking she would have voluntarily chosen to spend her time on. Black is recently retired and said she definitely did not plan to dedicate her life post-retirement to fighting a project that is a direct threat to her health. Because the outcome of this project would impact Black significantly, she has remained engaged with the process at a high level and faced challenges in keeping up with the unfamiliarity of the NEPA process. “I am a citizen who never really wanted to become an expert on land use planning laws,” admits Black. Black’s experience illustrates the position of many citizens who feel forced to engage at a high level to protect their land and safety. While both public and private entities are devoting a significant amount of time and energy to engagement with the process, one side willingly entered into the process while the other did not.

2.3 Imbalance in Project Costs & Benefits

The distribution of costs and benefits in this case stands as an additional area of imbalance between impacted citizens and the proposal companies. More significant in this case than the level of cost and benefit both sides are afforded, is the reality that the project costs and benefits are not necessarily comparable to one another. Financial reparations, for many citizens, cannot compensate for impacts that would result from this project. In many instances the impacts on citizens and landowners are not necessarily tangible or visible, and may be connected to familial ties or cultural values.

The private companies, as financial entities, are considering fair compensation for citizens only in monetary terms and failing to acknowledge other types of losses that citizens may endure. This disconnect between the true cost of this project to citizens and the compensation they are offered has caused dissatisfaction among citizens. Citizens are dissatisfied by the level of compensation they are being offered for their losses as well as the limited range of concerns permitted for discussion during meetings and comment periods.

Several citizens have expressed frustration at the limited scope of issues that are included in the regulatory process, and stated that the topics included do not adequately encompass the deeper concerns of impacted citizens. Comment periods are typically centered on a specific issue or set of issues in question. However, participants explained that often simply digging into individualized impacts does not adequately address the complex set of impacts threatening citizens and the health of Oregon's environment. Judd Jackson recalled meeting participants being cut off while sharing a comment because the comment was not relevant to the topic at hand. While Jackson admits that at times this type of action is necessary in order to keep meetings to a reasonable length, many impacted individuals felt that there was not a space in any part of the process to express some of their most weighty concerns.

Rachel Holden shared that for herself and many fellow landowners and citizens the most pressing concerns are in regards to property rights, whether or not eminent domain is an approach for this project, and the contribution that this project would have to Oregon's carbon footprint. Jake Tide felt disappointed by the short-sightedness on the issues brought up throughout the process. Tide lamented that the fact that much of

the impacted land will be forever restricted in how it can be utilized is rarely discussed.

Additionally, Holden mentioned that landowners wished to bring up the personal and specific impacts that the project would have on their property.

Unfortunately, Holden explained, there is no place in the regulatory process for these types of concerns, no space where they will be listened to. Sharon Blackdoes not live on property along the proposed route, but is allergic to the formaldehyde required to install and operate the pipeline and lives close enough that her health would be in danger from this byproduct. The levels in the air around her home would be so high that Black fears she would have to move. Black affirmed that meeting officials are not interested in obtaining any personal information, even if it includes this type of critical impact to an individual.

Furthermore, while eminent domain mandates that landowners must be justly compensated for the portion of their land that will be seized, some landowners have explained that the value they have for their property cannot be compensated for financially. For Jann Cathy, the land she is fighting to protect is home to a grove of trees that have been planted in honor of family members and friends who have passed, each tree marked with a memorial plaque. Cathy was told her family would receive money for the loss of their trees, “But how much money can they give you for something like that?” she asked. The loss of trees would be very emotional Cathy explained, there is nothing her and her family could receive that would make up for that loss. Similar to the experience of other participant, Cathy expressed frustration that information about there personal impacts were rarely received during meeting or comment periods.

3. Imbalance and Financial Resources

One of the most widely discussed topics among interviews was the imbalance in financial resources between the companies invested in the project proposals and engaged citizens. Half of interview participants brought up the issue of financial imbalance, seven highly engaged participants and three others. The issue of financial imbalance was raised in relation to a series of topics, confirming the intrinsic role that financial resources play in so many aspects of the regulatory process. Regardless of how the regulatory process was conducted, Jordan Cove and Pacific Connector have had greater access to financial resources than citizens at every turn, and have therefore had a greater capacity to be involved with and influence the process. Interview data revealed that participants viewed the unmatched affluence of the proposal companies as playing into the process through three main facets: time required for engagement, process expertise, and influence on local representatives. While each issues stand alone as a challenge to participation, these factors are exacerbated by the magnitude of power and resources on the part of the proposal companies.

To a certain extent, citizens felt as though this imbalance in resources between public citizens and private corporations is inherent to the nature of any project proposed by a private entity. Nonetheless, this imbalance places citizens in an adverse position, that many feel is impossible to overcome. “I don’t think (the system) is rigged,” concluded Holden, “I just think it’s an impossible task to think that the public really has the same amount of interest and money and time as a company that is spending millions and millions of dollars to get (the project) through.” Greg Lawrence also felt that the FERC was trying to carry out a fair process, but that the cards are stacked against the

landowners and community members. Many are left feeling as though there is no way to content with the fundamental imbalance in resources and therefore power in the process. “They’re too powerful, they’ve got too much money and too many lawyers,” said Jim Cassick in regards to Jordan Cove and Pacific Connector.

3.1 Time

The time required to maintain a high level of engagement is immense for both the public and the private entities involved with this deliberation. However, citizens felt as though the time available to both sides was determined by monetary resources. Activities such as researching information, attending meetings, and writing comments were all achieved by participants on their own time, despite their jobs and other commitments. Conversely, agency representatives accomplished these same activities as part of their job responsibilities. The extent to which the company is able to participate in these activities is not determined by the constraints of a single person’s schedule, but rather by the financial capabilities of the entire company, therefore placing them at a significant advantage to engaged citizens.

Through this perspective, the energy that the company is able to devote to the process is ceaseless in comparison to the energy that is available to public citizens. While company employees are financially gaining as a product of attending meeting and working through the legalese of the process, citizen participants are taking time away from their sources of income in order to participate. Charlie Nell confirmed that he felt the company had a lot of assets to “throw” at this project. “They are getting paid to fight the battle whereas everyone else is sacrificing money to fight the battle,” said Nell. In several cases, participants made reference to the fact that landowners and

community members who were retired were able to participate to a much higher degree. For citizens who were employed, taking the time to research, write and attend meetings proved much more challenging. Additionally, many of the meetings were scheduled during normal business hours, therefore excluding participants who held ordinary nine to five work schedules.

Sisters Wood and Anderson illustrated their frustration with participating while maintaining full time employment through a story regarding the conditional use permit required on a portion of their community that the pipeline would cover. In an effort to protect their land, the family spent countless hours writing and to government officials to oppose the permit, and felt no choice but to take time off of work in order to compose an effective argument. Never the less, the permit was granted. In order to compose an effective appeal, Woods including all of the legal evidence available and topped out the appeal at five full pages. “I took three days of vacation from work to do that,” Wood explained. These sisters felt it necessary to give up potential earning hours in order to effectively oppose this aspect of the process, a sacrifice which ultimately proved unfruitful.

3.2 Legal Expertise

Financial affluence is a primary factor in securing legal expertise and representation, a resource that has distinguished private companies from the citizen body in terms of their ability to engage in the process. A majority of participants, 15 out of 20, felt a need for legal guidance or representation at some point in the process. Nearly half of participants who felt they needed legal assistance, seven out of 15, stated that they were either unable to obtain a lawyer because it was too expensive or, if they

did utilize a lawyer, were financially strained in doing so. Citizens felt that the companies' financial capabilities placed them at a significant advantage in access legal expertise. Obtaining this resource aided the proposal companies in navigating legal aspects of the process and therefore moving the proposal through.

Participants spoke about a variety of ways in which legal support was necessary for participation. Despite the best efforts of citizens to represent themselves and fight for their interests, many stated that their lack of legal expertise positioned them at a significant disadvantage to effectively participating. Sharon Black shared that she felt as though she desperately needed legal expertise, but had no resources to turn to. "I was very frustrated by the fact that in order for me, the little citizen, to fight this corporation and their plans, I'm suppose to pay for my own lawyer in order to be able to write something or talk about it," said Black. "It takes money to fight these people," echoed Donald Mason, "I think if we had legal representation we could have killed (the project) a long time ago."

Nuances of the process, such as when certain pieces of information had to be brought to the table, as well as guidance in how to compose comments and appeals, are examples of the legal guidance citizens felt was necessary for participation. These challenges are again exemplified by the experience of Sherry Wood and Jane Anderson who, after having an appeal denied by their local county commissioners, felt they had no choice but to take their appeal to the state land board level. Although Wood and Anderson and their siblings were the primary writers of the appeal, they did hire an attorney to review the document, edit it into the correct legal format, and present the appeal in front of the land use board. Despite the legal help Wood and Anderson

employed in subsequent steps of the appeal process, the permit was denied on the grounds that the argument being presented was not brought up in the initial public hearing regarding the land use decision. After spending nearly \$20,000 in attorney fees and losing the state appeal, Wood and Anderson stated that, “Our takeaway from that was that if we ever wanted to fight something we had to take a lawyer to the first public hearing we went to in order to document everything.” Reflecting on the appeal process, Wood and Anderson felt as though taking it to a state level did not impact the company financially because they had a lawyer working for them full time. Feeling as though they needed to advance their appeal to the state level did, however, immensely impact citizens who had limited funds.

Legal assistance was also needed in order to more closely analyze legal material included in the deliberation. In attempting to identify flaws or inconsistencies in the company's proposals, citizens were challenged because of their lack of legal knowledge. “The nature of it is that (the company) is going to hide their soft spots deep in it anyways,” pointed out Charlie Nell in reference to the proposals from Jordan Cove and Pacific Connectors. Nell believes that any information that could be used against the company would not be deeply embedded in the document, requiring a close and well-informed examination to catch them.

Cheryl Smith explained that in order to find evidence for comments, you have to look at the general plan in comparison to the land use laws. However, if you don't catch a discrepancy initially and bring it up in the meeting devoted to that topic, you are not able to bring up that information further down the road. Smith expressed frustration similar to that of Wood and Anderson, that even if pieces of information are relevant,

they can only utilized if noted and brought up initially. Although she spent hours on extensive research and review, and did eventually consult an attorney, Smith feels though if she had been able to utilize an attorney throughout the entire process, they may have been able to point out details she missed along the way. Catching these pieces early on would have allowed Smith to raise these issues at a time when they would have had the possibility of making an impact.

3.3 Influencing Representatives

The third way in which an imbalance in financial resources played a significant role in the process is through the influence of local government officials. In the section outlining citizens' lack of trust in the government officials carrying out the regulatory process, many participants were frustrated that their government officials were not more accurately representing the voice of local populations. Many individuals felt as though the reasoning behind this unjust representation was financial incentives on the part of gas companies. Roughly half of interview participants cited monetary incentives as the reason they did not trust the integrity of their local representatives.

Instead of reflecting the popular opinion of their constituencies, officials seemed to be swayed by the financial gains offered by installing the pipeline and terminal. Landowner David Callume shared that he feels as though his local representatives have consistently put moneyed interests above how he and his fellow community members voted or what their opinion is. "I'm a nobody to them on this project," said Callume of the officials who represent him.

Although some local representatives claim to be in favor of the project because of the economic gains they believe it would bring to the area they represent, citizens

emphasized the fact that their representatives should be echoing the voice of the people. Rachel Holden said that her local representatives are not taking her position, and she feels it's a problem. Holden explained that to a certain extent, locals are able to sway their representatives through logic and scientific evidence, but these influences are not powerful enough to outweigh the monetary incentives provided by Jordan Cove and Pacific Connector.

4. Perceived Helplessness

Feeling consistently helpless and powerless is another emotional impact experienced by citizens that is shaped by a perceived imbalance in resources between themselves and the proposal companies. The perceived imbalance of power has led many participants to believe that they have very little power to influence the future of their land and community. Despite the efforts of affected citizens to influence the process, many are left feeling that no matter the intensity of their level of involvement, the private companies will always have the upper hand. Not only is the process itself taxing and the prospective outcomes distressing, many impacted individuals are forced to battle feeling vulnerable and defenseless while participating in the process.

Remaining in this state of powerlessness has created additional layers of stress and anxiety for participants. Rachel Holden shared that for years herself and her family have been living under the stress of, "Whatever we do won't work." Holden is involved at a high level and has taken nearly every opportunity for input and engagement, yet she is often still faced with doubt as to whether or not citizens have the power to actually impact the final decision.

“You are so helpless,” Cheryl Smith said regarding the position of herself and fellow landowners. Smith and her husband, who like so many others in their position have a sacred connection to their land and have worked hard to maintain it, are now left unsure if they have the power to protect it. Sharon Black shared that in the beginning of the process she felt as though she could make a difference, but after years of involvement Black has less faith in the power of the citizen body and described the process as, “one big game.” Black said that she understands now that she is, “up against something way, way bigger than I could actually fight.”

Chapter 6: Analysis and Conclusions

The following section begins by analyzing the results of the research for this paper in the context of similar studies and themes that are present in the literature. The second portion of this section discusses conclusions that can be drawn from analyzing these research results and contextualizing these findings within the larger body of public participation literature. Finally, this section closes by providing a recommendation to improve the NEPA mandated public participation processes based on the research results of this case study.

Comparing Research Results to Themes in the Literature

In reviewing the research results generated by the Jordan Cove and Pacific Connector case study it is helpful to compare these findings with results from similar studies and articles in the larger body of public participation literature. Comparing these results with themes presented by other authors, highlights areas where results from this case study may be congruent with or unique from other cases. The following portion of this section outlines where themes that are present in the case of Jordan Cove and Pacific Connector are similar to those presented in other articles examining public participation in environmental decision-making and which finding may be unique to this case.

Access to information is a significant area of concern in the case of Jordan Cove and Pacific Connector, as well as in public participation literature at large. In the case of Jordan Cove and Pacific Connector, interview participants brought attention to the lack of adequate information about the regulatory process and proposed project itself. In

Hourdequin, Landres, Hanson and Craig's article, *Ethical Implications of Democracy Theory for U.S. Public Participation in Environmental Impact Assessments* (2012), these authors describe the way in which public participation in practice strays from the ideals outlined by the NEPA. Hourdequin and co-authors explain that although in theory citizens have multiple opportunities for involvement in the EIS process through oral and written comments, many citizens are not able to take advantage of these opportunities. Similar to interview results in the case of Jordan Cove and Pacific Connector, Hourdequin and co-authors found that not all citizens have an understanding of the process or the ways in which they can become involved in issues that impact their lives do not have access to platforms where they are able to voice opinions and concerns and therefore remain excluded from the process. Despite the NEPA's ideal of providing all citizens with an equal opportunity to participate, many individuals are limited by their own lack of understanding (40) and the lack of accessible information about citizen involvement in the regulatory process. Additionally, the information that does exist regarding process proceedings is incongruent and confusing to participants. Mckinnley and Harmon (2002) describe a study in which citizens engaged in public participation expressed that the multitude of formats for participation and the many agencies conducting these practices left citizens with misconceptions and misunderstanding about the process (157).

Similar to the case of citizens impacted by the Jordan Cove and Pacific Connector projects, many authors have discussed the issue of access to information in terms of participants' ability to read and understand resources outlining a proposed project, as well as citizens' physical access to informational resources. Hourdequin and

co-authors (2012) point out that there are several factors that determine whether or not information is truly “accessible” to the public; access is dependent upon the format of resources as well as their availability and the timing in which they are provided (p.40). Several authors have acknowledged that often the educational resources provided to citizens are dense and use highly technical language, an issue that surfaced during interviews for the Jordan Cove and Pacific Connector case as well. Holmes (2005) explains that lack of access to technical and scientific knowledge can impede citizens ability to fully understand project proposals and, as a result, hamper their ability to meaningfully engage in the process (p.27). He asserts that scientific language and jargon has become an essential knowledge base for meaningful participation.

Spyke (1999) points out that as citizens become immersed in complex problems and are faced with unfamiliar language and agency expertise, they may begin to feel inadequate, distrustful, and alienated from the process (p.274-275). O’Faircheallaigh (2013) writes that barriers in the language and format of information resources are especially critical for already marginalized or silenced groups (p.23). Many aspects of how the process is organized and the information utilized throughout may be in a format that certain populations are not comfortable interacting with, further marginalizing these groups through exclusion from the process. Similar to the case of Jordan Cove and Pacific Connector, O’Faircheallaigh mentions that in some cases, historically marginalized groups may include rural populations.

In congruence with the results of the Jordan Cove and Pacific Connector case study, several authors have discussed financial resources as a determinant in citizens’ access to regulatory processes. O’Faircheallaigh (2013) points out that in addition to

citizens knowledge of participation activities, financial inequalities also play a role in determining who has the opportunity to participation in decision-making processes. Often the powerless in society do not participate in decision-making processes because they do not have the financial capacity to do (23).

In addition to the similarities between the resources and capabilities mentioned by interview participants in the case of Jordan Cove and Pacific Connector and those that are present in the literature, issues of perception and emotional impacts are present in both the case and the literature as well.

Spyke (1999), in examining the ideal characteristics of public participants, found that trust in the regulatory process is an essential trait to successful participation (p.272). Spyke found that when participants trust the individuals they are working with, are willing to collaborate, and believe they have the power to influence the decision making process, they are better equipped to participate. The more common traits of participants however, are those identified in the Jordan Cove and Pacific Connector case study. These traits include high levels of mistrust in agency and company officials, doubt over whether or not the public voice is significantly integrated into agency decisions, and indigence over the imbalance in power between industry and the public.

Several authors have discussed the issue of public participation practices being conducted by agencies as a formality rather than a platform where citizens can trust their voices will be heard and integrated. Mckinnley and Harmon (2002) write about the distinction between citizens having the opportunity to provide input and being *encouraged* to do so, noting that agencies often try to streamline the decision-making process by providing inadequate time and resources for participation (p. 159).

O’Faircheallaigh (2013) expands on this topic by drawing attention to the fact that if citizens view their participation as tokenistic and deduce that officials are unwilling to share decision-making power, they will likely withdraw from participation and become cynical and distrustful of the process (p.24). O’Faircheallaigh explains that citizens are less motivated to participate if they do not feel as though their efforts are of consequence in the decision-making process.

Transparency and clarity in process proceedings are also points of concern that are commonly discussed in the literature in relation to the trust of impacted citizens. Mckinnley and Harmon (2002) assert that not only are project details often written in highly technical formats that limit citizens access to the information, in some cases agencies and project proponents do not fully disclose the nature of a project or the extent of its impacts (p.160). Furthermore, these authors suggest that the process of integrating public comments into decision evidence should be more transparent and interactive (p.160). As it stands, citizens are not always informed whether or not their comments have been received and taken into account, leaving them uncertain about the weight of their voice and opinions in the process.

Another issue in terms of trust in the process that was brought up by interview participants in the case of Jordan Cove and Pacific Connector was the discrepancy between the potential losses to citizens and the type of compensation they have been offered for those losses. In many cases the impacts excluded from the decision-making process concerned cultural or familial ties to the land. Similarly, the literature focuses on the lack of space for understanding and integrating the local and cultural values of citizens into the decision making process.

In an article examining citizen barriers to participation in scientific decision-making, Bray (1991) explains that no mechanism currently exists to effectively integrate citizen cultural data into agency decisions (p. 1128). As a result, the social and cultural impacts of a proposal have little power to impact an agency's deliberation over whether or not to permit a project. Hoover and Stern (2014) call attention to the fact that comments that are most substantive and useful to the process as it stands include factual and site specific information rather than value statements or general opinions (p.169). While retaining comments that are factual and specific may be more efficient for agencies, citizens feel that these expectations do not allow the public to adequately express their full range of opinions and concerns.

In discussing a public participation study, Lawrence, Daniels and Stankey (1997) point out an additional discordance in common public participation practices, "Not only have the content and substance of public input been constrained and removed from integration into the planning process, but the manner in which public input has been retained also operated to reduce public understanding and contributed to dissatisfaction and a sense of unfairness (p. 578)." Citizens are limited both in terms of the content of information accepted for comment periods as well as the format through which they express the information they are providing. Often citizens are not comfortable or familiar with the methods utilized to gather information and as a product do not feel that their opinions have been accurately communicated.

The issue of inequality in power and resources between impacted citizens and large corporations, which is critical in analyzing the case of Jordan Cove and Pacific Connector, is discussed in certain areas of the literature as well. In an article by Avi

Brisman (2013) which discusses inequalities in the regulatory system at length, he surmises that the regulatory system has evolved to be entirely undemocratic (p.297). The democratic laws structuring our country and standing as critical pillars of modern environmentalism have been undermined by a few, powerful individuals, and adjusted in order to protect the interests of large polluting industries, such as Jordan Cove and Pacific Connector (p.296). Brisman writes that democracy has been undermined by those who seek only financial gain and developed to ignore environmental preservation and the welfare of the majority of citizens. Similar to the perceptions of citizens impacted by Jordan Cove and Pacific Connectors projects, Brisman continues that companies retain power over citizens through both their ability to control information, as well as their spending to elect favorable government officials (p. 296).

Brisman explains that when environmental protections are proposed and enforced, companies and project proponents often step forward to present dire economic consequences that would occur as a result of the protection (p.297). These statistics effectively manipulate the deliberation process, despite the reality that often the projects are an inaccurate conjecture. Brisman states that the economic power of industry has the ability to shape political debates, available information regarding environmental risks and hazards, and citizens ability to participate in the process, and influence courtroom decision and citizens very access to justice (p.297).

Several authors provide explanations for the way in which an imbalance in financial resources specifically impacts different groups' ability to participate in the regulatory process. One way in which financial resources support individuals' ability to participate is through hired legal assistance and consultation (Susskind, 2013, p. 669).

The groups with the most money are able to hire sophisticated legal help and formulate legal interpretations that carry more weight than those attempted by amateurs. Bray (1999) states that, “Citizens rarely have the economic or scientific resources to discredit industry or agency concerning the health or environmental risks of an activity (p. 1128).” Additionally, financially stable citizens are more likely to be capable of devoting the amount of time required for participation (Spyke, 1999, p. 272). As a results of the time and financial resources required for participation, Spyke points out that in many ways participation has become an elitist activity, available only to upper-middle class populations.

Although the emotional impacts of participation that proved to be prolific among the experiences of citizens engaged in the case of Jordan Cove and Pacific Connector were not commonplace in the literature, an article by Rich, Edelstein, Hallman and Wandersman (1995) outlines these impacts. Rich and co-authors explain that depending on how the process is conducted, public participation in decision-making can either disempower or empower engaged communities (p. 660). When a decision-making process has a disempowering effect, citizens may feel helpless in defending their families and communities. Several of the social and emotional impacts of consistent helplessness that are outlined by Rich and co-authors were topics that came up during the course of interviews in the Jordan Cove and Pacific Connector case. Some impacts provided in the article include physical exhaustion as well as feelings of hopelessness and depression (p. 663). This article also mentions the issue of compounding factors. These authors explain that often emotional struggles are exacerbated by the injustice that citizens feel at the fact that the companies proposing

these projects will only be held accountable for a portion of the impacts caused by project implementation (p. 663). Finally, this article highlights the frustration of feeling ignored and dismissed by elected government officials that was felt among so many public participants in the case of Jordan Cove and Pacific Connector (p. 664).

Aside from the brief example provided in the article authored by Rich and co-authors, the concept of factors compounding to impact citizens' participation experience was not prevalent in the literature. While the majority of factors that citizens in the case of Jordan Cove and Pacific Connector mentioned as contributors to their participation experience were present in the literature, the majority of authors discuss these issues as singular factors without examining how they relate to one another. By considering how different factors relate to one another and exacerbate the participation challenges already felt by citizens, the results of this case study contribute to the literature in a slightly different manner than similar research projects.

Conclusions and Recommendations

Based on the interview data produced in this report, there is no question that an immense commitment is required for participants to engage in the regulatory process at a high level. The time, comprehension level, financial resources and physical and emotional stress in conjunction with a lack of trust in the system and perceived power imbalance produce a scenario in which involvement in the process is extremely taxing and significantly impacts the lives of those involved. Although engaging in specific portions of the process may be a feasible expectation of individual citizens, it is difficult to fathom how participants could manage the combination of factors that weighed into their experience of participating. Interviews revealed that there is a complex network of

challenges and impacts that citizens are faced with in their participation with the EIS process. Several of these factors are reinforced in the larger body of public participation literature, validating that citizens outside of this case are experiencing challenges and impacts similar to those that surfaced in this research project.

The consequence of a participation process that requires such a significant financial, emotional, and temporal commitment of citizens is that either individuals choose to be engaged and are faced with the multitude of challenges listed above, or they withdraw from the process altogether. A summary of research results and analyses is provided in Figure 4.

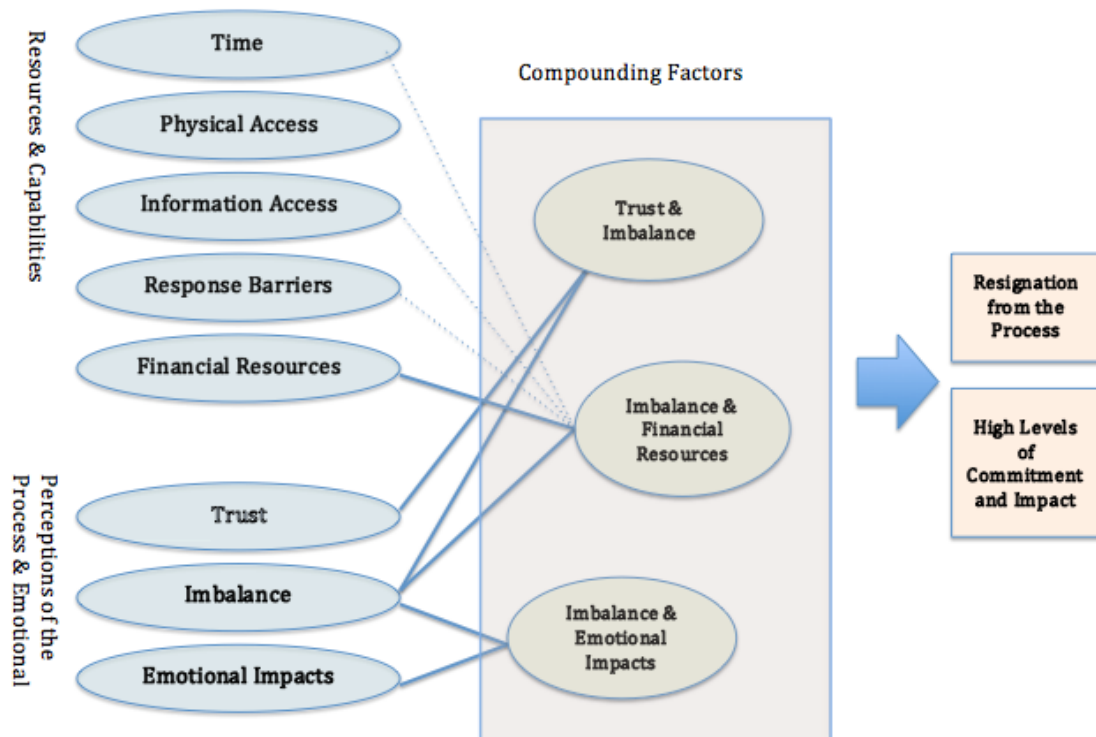


Figure 4: Research Results and Analysis Summary

Some individuals have become so jaded and discouraged by their experience participating, that they are resigned to letting the process simply play out on its own.

While certain individuals do not feel as though they have the time or expertise to become involved, others have lost faith in the regulatory system and do not believe that their voice holds any weight in the final decision.

Furthermore, while citizens are faced with either experiencing high levels of stress and commitment in participation, or resigning from the process, this bleak set of choices serve as an additional advantage to companies attempting to push through projects that may have catastrophic human and environmental impacts. A system in which citizens are challenged in and intimidated from making their voices heard lessens the oppositional pressure on agencies and increases the opportunity for private companies to execute their proposed energy projects. Many people don't understand that their voice matters, which is a great way to get the opposition out of a project, conveyed Rachel Holden. Cheryl Smith explains that after participants have been overwhelmed and frustrated by the process, “you have a lot of people who are resigned to watch what is going on and not get involved.” Smith goes on to express her sadness at this dynamic, pointing out that people are sitting out of decisions that may have a significant impact on their lives.

Although a majority of the participants interviewed identified as being at least somewhat significantly involved in the process, Karen and Carl White typify citizens who have lost both faith and interest in participation. The White's explained that while they would be very unhappy if the pipeline were to go through, they are both into their old age and have decided not to allow their remaining years to be consumed by this project. They went on to say that researching for the next six months seems like a waste

of their time, and that it would be “foolish” to allow the company to impact their happiness and contentment.

Other citizens, however, felt as though they could not sit back and simply observe how the process unfolds. Many landowners expressed that although the process was arduous, stressful and not rewarding they felt no choice but to fight for what they felt was the right decision. “Democracy is messy,” asserted Rachel Holden, “Things will get pushed through because somebody else is more forceful in pushing them, and unless we push back then we don’t get a say.” Additionally, while citizens often feel powerless against private companies and bureaucratic procedures, many have rooted themselves in the belief that if their opposition is strong enough there may be a chance at swaying the final decision. Judd Jackson believes that although he cannot make a difference individually, the movement as a whole has the possibility to.

Unfortunately the citizens who remain exceedingly devoted to participating are often outnumbered by those who stand on the sidelines, and those devoted citizens are forced to take on a disproportionate amount of work in fighting for their land and communities. David Callume admits that the same people show up time after time to take advantage of participation opportunities. For many of these devoted participants, this project has all but consumed their lives for the last decade, keeping them from other obligations or joys in their life.

Additionally, those who have been involved at the highest level, claim they have been somewhat “shell shocked” by the experience, and some say they will forever view their governments differently. Many have reported becoming more cynical individuals throughout this process and losing all trust in their local representatives. Participants

reported feeling betrayed by politicians who were put in place to protect them, and scarred from seeing the injustices involved in government processes. Rachel Holden said that she does not know how a person can recover from seeing something like that, and trust the government again.

Improving NEPA Mandated Public Participation Practices

The research results from this study stand as a clear indicator that the public participation facet of the NEPA regulatory process is far from perfect. While not all participants pointed out major issues in the process, individuals who were involved at a high level were more likely to feel frustrated by their inability to provide effective public input and be negatively impacted by their participation in the process. These results suggest that landowners and impacted community members have the choice to either remain distant from the decision-making process and make little attempt to make their voice heard or engage in a process that will likely be costly and taxing in several respects. Neither of these options are ideal for potential participants as they discourage versus encourage participation.

In working to improve this damaged system and create a process that is more conducive and supportive to meaningful public input, we must consider the factors that contribute to participants' engagement experience. Firstly, the experience of landowners and community members is shaped by the structure of the NEPA process and the laws that mandate participation in that process. The resources and capabilities that are available to engaged citizens also affect the experience of participants. Finally, in cases where private company interests threaten citizens' homes and communities, the

imbalance in power and resources between these entities plays a significant in shaping how individuals experience participation.

Improving the citizens' participation experience will require adjusting several different aspects of the process as it stands. Nevertheless, it is important to recognize the possibilities and limitations for improving the current public participation system under the NEPA. While the public participation requirements outlined by the NEPA do not produce a perfect system, it is important to acknowledge that many points of discontent in the process are necessary to carrying out out a fair and thorough examination of proposed projects. For example, the NEPA requirements for agency decision making will undeniably require a process that is long and time consuming. In order to be involved in any major bureaucratic decision, affected citizens will spend time researching and understanding the issue at hand as well as composing responses. Furthermore, for the lead agency, the process of gaining all the required permits, approvals, and input will likely take months or years.

Although inconvenient and stress-inducing for participants, these temporal aspect of the project are largely inevitable. Additionally, the inherent complexity of the process is unavoidable. For a project of this scale, the EIS is both extensive and technically and scientifically dense. While citizens may find this complexity frustrating and exclusionary, the information and review processes surrounding this type of project cannot be bypassed. In fact, the extensive permitting process is in place to ensure that all of the necessary impacts are considered in the review process.

The imbalance in resources prompted by private companies proposing projects that cross the property and communities of citizens is inescapable as well. While this

circumstance may not be just, it is a reality in cases across the country. The magnitude of resources available to companies, such as Jordan Cove and Pacific Connector, will consistently exceed those available to private citizens or opposition groups.

Additionally, the availability of resources such as knowledge, legal expertise, and comfort in communicating with government officials, which are not necessarily financially comparable, set companies at an additional advantage to impacted citizens.

Therefore, in light of the unavoidable factors that play into procedural injustice for impacted citizens, the most appropriate factors to be adjusted in this context are the resources and capabilities of citizens engaged in the process. Providing more adequate resources to impacted citizens can serve to counteract the challenges inevitable to the NEPA process and work to level the playing field between companies and the public.

Educational Resources for Public Participants

Based on the interview responses generated by this study, some of the most significant challenges and barriers to participation faced by citizens could be improved through access to a more sufficient educational resource. The lack of access to effective education resources is perpetuated by a lack of physical access to informational materials for engaged citizens and by the complex format and language of materials. Often government-provided resources are lengthy, confusing, and laden with technical jargon. An article authored by Hourdequin, Landres, Hanson and Craig (2012) also outlines the need for an education resource to aid citizens in reviewing impact assessments generated throughout the NEPA process. The article goes on to explain that while in theory all participants have equal access to decision-making processes, in reality not all individuals have the means to engage equally. Since public groups and

individuals often lack the knowledge to adequately review complex documents or the financial means to hire an expert to do so, the current review process is only accessible to a portion of the public (p.40). Hourdequin, Landres, Hanson and Craig assert that in order to equalize public engagement opportunities, additional education resources must be provided to participants.

There is a lack of adequate informational resources in three broad areas related to the review and permitting process for a project of this nature. To start, there is a lack of resources that provide citizens, especially those who are otherwise unfamiliar with the technical language and jargon used in this type of project, with a detailed explanation of the project. While the EIS provides a thorough outline of project details, this resources is inaccessible to folks who do not have the prior knowledge, literacy skills, or time to understand the information at hand. Furthermore, the supplemental information about the project that does exist is generated by either project proponents or opposers and is therefore slanted in a specific direction. Providing citizens with unbiased supplemental information to explain the legal and scientific technicalities involved with the project proposal would allow individuals to feel more included in the decision making process and increase their ability to contribute high quality and relevant information.

There is also an imminent need for a resource that provides a clear map of the permits and approvals required for the project to be granted. Again, the EIS clearly outlines the dozens of agencies involved in the permitting process and the responsibilities they hold. However, many individuals stated that it was seemingly impossible to access a resource that provided a description of the agencies as well as

how they related to one another and in what order the permits would be issued.

Participants found it challenging to independently track the different stages of the process and agencies responsible for permitting. Citizens are in need of a resource that provides a “roadmap” of the process that has been composed for the purpose of being easily understood by lay persons and can break down the complex permitting process into more accessible terms. Additionally, such a resource should include consistent updates on issued permits and project amendments to help citizens track the project as it progresses through the permitting process.

Finally, interview responses have indicated that participants not only lack a comprehensive explanation of the permitting process, but a complete outline of the opportunities for citizens to engage in the process as well. While notices of meetings and comment periods are published publicly and sent to landowners, many interviewees contested that this level of provision was not enough. In order to more fully understand the level of power they hold in the permitting process, citizens need an absolute explanation of opportunities for involvement at each step of the process.

Citizens should be informed not only of *when* they can participate, but *how* they can participate most effectively. University of Oregon professor Donald Holtgrieve (personal communication, November 21, 2016) believes that a fundamental barrier to citizens being able to participate in the most productive manor available is a lack of understanding among participants of the role of public input in the NEPA process. The purpose of the NEPA is not to force agencies to make environment-orientated decisions, but rather to ensure that all environmental impacts are outlined and taken into consideration by agency decision makers. Under the NEPA, an agency’s final decision

cannot be declared inaccurate because it does not adequately provide environmental protection. However, an agency's decision can be rejected on the grounds that the decision-making process was illegitimate under the NEPA's mandate.

Concerned private citizens, interest groups, as well as state and local agencies can initiate lawsuits against the lead agency for a project based on how the agency reached its final decision (Bass & Herson, 1993, p. 95). Bass and Herson (1993), explain that the judicial role is to ensure that agencies have significantly examined the environmental consequences of a proposed project. The court does not consider whether or not an agency has chosen the environmentally preferred option, but rather looks to ensure that the procedural mandates outlined by the NEPA have been followed (p. 97). According to Bass and Herson (1993), the primary means of enforcing the NEPA has been through lawsuits brought against lead agencies (p. 95).

Based on the potential for judicial review of an agency's decision, Holtgrieve explains that the way in which citizens structure the information they are providing is vital to the effectiveness of their input. If citizens provide comments in the form of information about personal impacts of the proposed projects or reasons that the citizen disagrees with the project, agency officials are required only to note that a comment has been provided. However, if citizens ask a direct question of the agency regarding a specific impact of the proposed project, the agency is required to provide an answer in the EIS. If the agency does not provide a response to citizens' questions, then it is likely that citizens could have standing to sue the agency. Therefore, it is important that citizens have an explicit understanding not only of the process itself but also of their

rights to participate within the process and the most effective methods to channel their efforts towards.

Providing an educational resource that supplied participants with a comprehensive explanation of the project, the permitting process and the public engagement opportunities available to them would alleviate many of the challenges and barriers that surfaced during interviews. If participants had access to reliable, unbiased information, the time taken to research would be lessened as well as the anxiety over retaining trustworthy information. With a more comprehensive understanding, participants would be able to navigate the process more efficiently and spend their time and energy on the most effective participation strategies.

Additionally, full access to information would work to equalize the unequal advantage that private companies retain in both knowledge and resources. While provision of a comprehensive educational resource would not solve all of the issues that surfaced during interviews, this resource would serve to improve many of these factors. For example, educational resources will not impact the fact that landowners and impacted citizens have more significant emotional ties to project outcomes and experience greater emotional distress than project proponents. However, being equipped with more a more comprehensive understanding of the project and how to interject their voice into the permitting process will empower citizens and increase the level of control they feel over the project outcome, effectively reducing their emotional stress and perceived helplessness.

Provision of an Educational Resource

In response to the results of a study conducted by the Council of Environmental Quality (CEQ) in 2003-2004 outlining an eminent need for educational materials for citizens participating in the NEPA process, the CEQ published “A Citizen’s Guide to the NEPA” in 2007 (Council of Environmental Quality, 2013, Introduction). The citizen’s guide provides an explanation of the NEPA, how it is implemented, and how people outside the government can be involved in the assessment of environmental impacts. This document has the potential to serve as useful resource to citizens and fulfill some of the educational needs outlined above. The guide provides a thorough explanation of the NEPA processes and outlines both the general limits and possibilities for participation within this structure. Additionally the document provides some tips to enhance citizens’ effectiveness in participation such as raising issues as early in the process as possible (Council of Environmental Quality, 2007, p. 26).

However, this document is not entirely thorough in the information it offers and presents many barriers related to the participation process without suggesting solutions for participants. For example, the guide acknowledges that the EIS can be “technical and lengthy” (Council of Environmental Quality, 2007, p.23) but does not suggest a resource to aid citizens in understanding the statement. Furthermore, the guide states that, “another way to participate is to check with local experts such as biologists or economists at a university to assist with your review of the NEPA analyses and documents” (Council of Environmental Quality, 2007, p. 23). However, this statement fails to acknowledge that certain citizens may not have the knowledge or resources to utilize this suggestion. The guide also suggests that questions specific to a particular

project should be directed at the project's "NEPA team," but does not specify how to find contact information for these individuals (Council of Environmental Quality, 2007, p. 25). Finally, in outlining strategies for citizens to submit effective comments, the guide assumes that participants are comfortable engaging in independent research, using the internet, and formally composing comments.

One of the most significant weaknesses of this resource is the fact that it assumes all citizens are entering the participation process with equal resources, education levels, and comfort in communicating with authority figures. However, as evident from the case of Jordan Cove and Pacific Connector, we see that the barriers citizens face to participation are often based on specific circumstances. Standards methods for engagement can exclude individuals that are disadvantaged and lack the resources necessary for participation. Furthermore, the guide does not mention the rights of citizens outlined by Holtgrieve, or notify citizens that their comments are most effective in the form of direct questions.

Additionally, while the guide does outline the NEPA process in generally, is does not notify citizens of how they can obtain an explanation of the permitting process required for a specific project, which has proven to be a critical need of citizens engaged in the case of Jordan Cove and Pacific Connector. Finally, although the guide would serve as a useful resource to citizens during their participation experience, this resource was not cited during a single interview conducted in the case of Jordan Cove and Pacific Connector. The lack of recognition of the NEPA guide as a valuable resource for citizens during interviews leads me to believe that the guide was either not helpful to citizens or that they simply were not informed that the resources existed.

In order for a resource of this nature to be most useful to citizen participants, I believe it should be provided in the very beginning stages of their participation experience, ideally in conjunction with being informed of the project proposal. Additionally, information and further resources specifically to aid citizens in understanding the proposal at hand should supplement the general NEPA process information provided in the guide. However, due to limited time, staffing and funds on the part of agencies, provision of supplemental, project specific information may be most appropriate from a source other than the lead agency.

In considering the most appropriate provider of this supplementary information the three clearest options are the company or other project proponents, citizen groups, or nonprofit agencies and NGOs. Although the company has extensive information on the project itself as well as the associated permitting process, citizens may not trust a resource provided by project proponents or the company; information provided by these source may be biased in favor of the project.

The provision of this resource by citizens for other citizens is a system that has already been operating informally for several years among individuals engaged in the Jordan Cove and Pacific Connector permitting process. A majority of interview participants, 18 out of 20, stated that at least a portion of their information came from citizen groups or other impacted citizens directly. These networks have provided information regarding both the project and updates on the project, as well as the regulatory process and strategies for lay citizens to navigate the process. Through this resource, citizens have assisted each other in wading through the multitude of

information available in order to identify the pieces that are most important or useful to participants.

Many individuals stated that they would have been entirely lost in knowing how to most effectively participate had it not been for the guidance of their fellow citizens. While this resource has proven to be immensely effective and beneficial to engaged citizens, there are a few disadvantages that must be noted. Although informal networks of citizens are a more sufficient source of accessible information than the company or agencies, the material circulated through these networks may not be altogether unbiased. These citizen groups have been established in order to fight the proposed project and therefore are more likely to circulate information that emphasizes the negative consequences of the project. Therefore, for individuals seeking to gain a balanced understanding of both the pro's and con's of the proposed project, this resource may not be adequate. Additionally, the information being circulated in these networks is being researched, analyzed and sent out by citizens. These networks may increase the already immense burden of participation on the individual who are responsible for researching and generating information. While continuing to facilitate this type of network would likely be advantageous to engaged citizens, establishing an additional resource to support and complement these networks would strengthen their impact.

The final option is that a non-profit organization would assume the role of providing this resource. Concerns over provision of an education resource by nonprofits is similar to the concerns stated for the choices above, that there is no way to ensure that the information is entirely unbiased. Depending on the mission statement of the

nonprofit (i.e. conservation, humans rights, etc.), the group may present the information in a way that is favorable to their cause. Despite this risk however, this option in many ways appears to be the most appropriate. Many nonprofits have a firm commitment to equity and social justice and may be able to present the information in a way that simply encourages participation, without attempting to sway participants. Additionally, if the provision of this resource is in line with the organization's mission statement, they could provide the necessary funds and staffing needed to find and present the required information. Nonprofits may have access to individuals who are experts in science, law, and policy who would enhance the quality of the information. Finally, citizens often feel more comfortable communicating with nonprofits than government entities because nonprofits are viewed as more trustworthy and personable than agencies.

Suggestions for Education Methods from the Literature

As I mentioned in my critique of the NEPA guide for citizens, some engaged citizens may require resources beyond a written guide in order to enhance their ability to participate. Some individuals may not learn best by utilizing a written source or may still feel intimidated by the process. The following section outlines two alternative methods for providing an education resource to public participants.

In an assessment of participants' experiences engaging with Environmental Assessments (EA), an assessment comparable to the EIS, Sinclair and Diduck (1995) discuss the need for a similar educational resource. Through their analysis, Sinclair and Diduck conclude that individuals who are knowledgeable about the law are better equipped to protect themselves and assert their rights than lay citizens who have no prior legal knowledge or experience (p. 229). Based on this finding, Sinclair and Diduck

go on to suggest a variety of methods by which legal education and information services can be provided to the public. The discussion presented by Sinclair and Diduck is slightly different than the suggestion made in this paper because it focuses primarily on educating citizens about the process and their rights to be involved but does not necessarily include information about the proposed project itself.

Methods for public education currently being utilized in Canada are arguably more advantageous to citizens than resources available in the United States. The Canadian Minister of the Environment is granted both the authority and funding to conduct educational seminars and conferences as well as publish and disseminate information to the public (p.230). These resources provide citizens with a more thorough understanding of how the EA process operates. However, these education efforts have been criticized on the grounds that this method of providing information is too passive (p.231), and that a more interactive method would be beneficial to citizens. Additionally there has been a call among citizens and scholars for more plain language in policy documents and for communication from government officials to the public in layman's terms order to assist citizens in understanding the process and make them feel more included in assessments (p.230). While the Ministry of the Environment has responded to these suggestions and published brochures in recent years with more straightforward language (p.232), Sinclair and Diduck believe that more radical changes in the provision of educational resources are in order.

Sinclair and Diduck have suggested resources such as bibliographies and directories that would aid citizens in understanding government provided information. These authors have also suggested more alternative formats for presenting information

such as laying it out in a comic book format or translating the material in a manner that is culturally appropriate to minority groups (p.230). One of the more progressive suggestions presented by Sinclair and Diduck is facilitated trainings and workshops aimed at enhancing citizens comfort level with practices involved in the EA process (p.235). These trainings would include activities such as leading mock meetings or hearings, or observing real hearings as a group. Suggestions also include computer software that would allow citizens to learn in the comfort of their homes (p.235), and a phone line to resolve questions and points of confusion in the process (p.234). Despite the range of suggestions contained in this article, Sinclair and Diduck were also undecided on the most appropriate provider of these services.

Schibuola (1991) also asserts that a resource outlining the specific knowledge needed to effectively review environmental assessments would be beneficial to the public and work to equalize citizen's ability to participate in the process. Schibuola mentions resources such as environmental assessment and review handbooks, and utilizing the knowledge of paid or volunteer specialists as possible solutions to this need. However, the focus of the article rests on a lesser-known or developed format for providing this material. The article describes a computerized system that would contain the knowledge needed to perform assessment reviews, and have the ability to point out weaknesses in the present document by engaging participants in dialogue around issues relevant to that particular document (p.12). Although this system has not received widespread attention, and experts have not confirmed whether it would be possible to provide this type of information and assessment through computerized software (p.12), Schibuola argues that there would be many advantages to implementing this type of

resource. One of the primary strengths of this resource is that it could utilize the knowledge of humans and that of a computerized information resource simultaneously. This software would combine common sense and real world knowledge with detailed information about the project and review process in order to most effectively complete reviews (p. 25).

While it is unclear which methods of provision for this type of educational resources would be most advantageous to engaged citizens, what is acutely apparent is that no single method can completely fill this need. Evidence from interviews conducted in the case of Jordan Cove and Pacific Connector reveal that engaged citizens identify with a range of learning styles, ability levels, and levels of technological and physical access to information. The diversity in public participants confirms that no single resource will satisfy the needs of all members of the public. A more comprehensible solution rather, is that several methods would be utilized in congruence with one another to cater to a larger portion of the population and reinforce the information being presented. For example, it may be helpful for citizens who are working with the computerized software to periodically attend mock hearings to strengthen the concepts they are engaged with in real world scenarios. Additionally, having access to volunteer legal advice may be beneficial to individuals who are reading assessment and review handbooks in order to clarify information or points of confusion.

Concluding Thoughts: Is Public Engagement Worth the Trouble?

After considering the costs, effort, and level of flexibility and commitment required of both agencies and the public to engage in participation, we may be left

wondering, is this practice worth the effort? However, in considering this question, we must remember that by neglecting to maintain and improve these practices we risk a much greater consequence than simply not gathering public input for proposed projects. Failing to uphold equitable and effective public participation practices would place a crack in the principles and values that serve as the very bones of our country's governing structure, democracy. Silencing the public voice jeopardizes the ideals of equality and popular sovereignty that this country has strived for since its inception. Mihaly (2009), argues that while navigating public participation in modern democracy is complex, the difficulties and expenses associated with this practice should not overshadow its necessity to maintaining a "vibrant democracy" (p. 227).

Furthermore, as the entire globe is being faced with more severe challenges than it has faced in recorded history, it becomes increasingly critical to promote decision-making methods that include the voices of many over the few. In upcoming decades it is projected that the gap in global inequality will continue to widen and limits of the ecological sustainability of the planet will continue to be pushed. Mihaly suggests that not only do those in positions of decision-making power have a moral authority to gather public input, but citizen information will be a necessity in their ability to make accurate, high quality decisions. Adapting to and mitigating the extreme challenges faced by our planet will not consist solely of plans that are designed and executed by experts and power-holders. Standing a chance against these challenges will require that we, as a planet, make decisions based on collective knowledge and insight, recognizing the validity and usefulness of each experience and perspective.

Moreover, while the merits of public participation in governmental decision-making have proven essential to maintaining an effective democracy and facing global challenges, the question of whether or not current government-mandated practices are the most practical method of participation remains. Platforms for public participation outlined by mandates such as the NEPA, have significant limitations that must be acknowledged by citizens attempting to influence this type of decision-making process. In addition to suggesting improvements to current public participation structures, we must consider that alternative approaches may be more impactful in this political moment. Perhaps citizen's investment of time, energy, and financial resources would be put to better use through more direct forms of expression to better amplify their voices.

Appendix

Agency	Agency Action
FEDERAL	
Federal Energy Regulatory Commission (FERC)	Order Granting Section 3 National Gas Act (NGA) Authorizations and Issuing Certificate of Public Convenience and Necessity.
	Produce Environmental Impact Statement (EIS).
Advisory Council on Historic Preservation	Opportunity to comment on undertaking.
Federal Communication Commission	Review proposal for new or additions to existing communication towers.
U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS)	Determine if the Project would result in the permanent conversion of prime farmland.
USDA Forest Service (Forest Service)	Concur with Right-of-Way (ROW) Grant.
	Amend Land and Resource Management Plans (LRMP).
U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS)	Provide a biological opinion (BO) if the Project is likely to adversely affect federally listed threatened or endangered aquatic species or their habitat.
	Consult on protected marine mammals.
	Provide conservation recommendations if the Project would adversely impact essential fish habitat.
U.S. Department of Defense (DOD)	Consult with the Secretary of Defense to determine whether an LNG facility would affect the training or activities of an active military installation.

U.S. Department of the Army, Corps of Engineers (COE)	Process permit application for structures or work in or affecting navigable waters of the United States.
	Approval of requests to alter (COE) civil work projects.
	Process permit application for the placement of dredged or fill material into waters of the United States.
	Process permit application for the placement of dredged or fill material into waters of the United States.
	Issue a permit for the ocean disposal of dredged material under Marine Protection, Research and Sanctuary Act consistent with Environmental Protection Agency (EPA) criteria and subject to EPA concurrence.
U.S. Department of Energy (DOE) Office of Fossil Energy	Authority to export LNG to Free Trade Agreement (FTA) Nations.
	Authority to export LNG to Non- FTA Nations.
DOE Bonneville Power Administration (BPA)	Permit review.
U.S. Environmental Protection Agency (EPA)	Co-administers Clean Water Act (CWA) 404 program with the COE. EPA retains veto authority for wetland permits issued by the COE.
	COE issues a permit for the ocean disposal of dredged material under Marine Protection, Research and Sanctuary Act (MPRSA) consistent with EPA criteria. The permit is subject to EPA concurrence if disposal is proposed at an EPA ocean dredged material disposal site designated under Section 102 of the MPRSA.
	Reviews and evaluates EIS for adequacy in meeting the procedural and public disclosure requirements of the NEPA.
U.S. Department of Homeland Security, Coast Guard	Captain of the Port (COTP) issues a Letter of Recommendation (LOR) and Waterway Suitability Report (WSR) recommending the suitability of the waterway for LNG marine traffic.
	Review emergency manual.
	Review operations manual.
	Establish safety and security zones for LNG vessels in transit and while docked.

	Review and Approve Facility Security Plan.
	Develop LNG Vessel Transit Management Plan.
	Validate Water Suitability Assessment (WSA) and produce Water Suitability Report (WSR).
U.S. Department of the Interior (USDOI), Bureau of Land Management (BLM)	Issue ROW Grant for crossing federal lands.
	Resource Management Plan Amendments.
USDOI Bureau of Reclamation	Concur with issuance of ROW Grant.
USDOI Fish and Wildlife Service (FWS)	Provide a biological opinion if the project is likely to adversely affect terrestrial federally-listed threatened and endangered species or their habitat.
	Provide comments to prevent loss of and damage to wildlife resources.
	Consultation regarding compliance with the Migratory Bird Treaty Act (MBTA).
U.S. Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA)	Administer national regulatory program to ensure the safe transportation of natural gas.
DOT, Federal Aviation Administration (FAA)	Aeronautical Study of Objects Affecting Navigable Airspace.
	Feasibility Study for Hazard Determination.
U.S. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms	Issue permit to purchase, store, and use explosives during project construction.
STATE - OREGON	
Oregon Department of Agriculture (ODA)	Consult on Oregon listed plant species, and ODA would review botanical survey reports covering non-federal public lands prior to ground-disturbing activities where state listed botanical species are likely to occur.

Oregon Department of Consumer and Business Services – Building Code Division	Site-specific exemption approval under the state building code,
Oregon Department of Energy (ODE)	Furnish an advisory report on state safety and security issues to the FERC regarding the Jordan Cove LNG terminal proposal, and conduct operational safety inspections if the facility is approved and built.
ODE – Energy Facility Siting Council (EFSC)	Authority to review proposals for power plants generating more than 25 Megawatt (MW) and issue a Site Certificate.
	Enforce Oregon’s CO2 Standards. Enforce Oregon’s Retirement Bond Requirements.
Oregon Department of Environmental Quality (ODEQ)	Issue a license or permit to achieve compliance with state water quality standards.
	Issue National Pollutant Discharge Elimination System (NPDES) permits for discharge of stormwater.
	Review liabilities and offences connected to shipping and navigation.
	Issue Title V Air Quality Operating permit. Issue Title V Acid Rain permit. Enforce Greenhouse Gas (GHG) Reporting Requirements.
	Review Best Available Control Technologies to minimize discharges from new major sources, and review air quality analyses to ensure compliance with National Ambient Air Quality Standards.
	Review plans for storage and management of hazardous waste.
Oregon Department of Fish and Wildlife (ODFW)	Consult on sensitive species and habitats that may be affected by the Project and, in general, regarding conservation of fish and wildlife resources.
	Consult on and approve fish and wildlife mitigation plan.
	Review stream crossing plans for consistency with Oregon Fish Passage Law and screening criteria.
	Consider issuance of in-water blasting permits.
Oregon Department of Forestry (ODF)	Management of State Forest lands for Greatest Permanent Value, develops Forest Management Plans, stewardship under State’s Land Management Classification System, monitors harvests of

	timber on private lands, and protects non-federal public and private lands from wildfires.
Oregon Department of Geology and Mineral Industries (ODGMI)	Review of structural design in tsunami zones. Review of geotechnical investigations for geological hazards.
State Historic Preservation Office (SHPO)	Review cultural resources reports and comments on recommendations for National Register of Historic Places eligibility and project effects. Issue permits for excavation of archaeological sites on non- federal lands.
Oregon Department of Land Conservation and Development (ODLCD)	Determine consistency with Coastal Zone Management Act (CZMA) program policies.
Oregon Department of State Lands (ODSL)	Grant submerged land easements. Issue warf registrations.
	Issue license of leases for removal of state-owned materials.
	Approve removal or fill of material in waters of the state.
	Allow work within state-owned lands. Review and approve wetland mitigation plan.
Oregon Department of Transportation (ODOT)	Review and Approve Traffic Management Plan.
	Permits to be issued from each DOT District Office to allow construction within State Highway ROW and use of State Highways for Project access, and where utilities would cross over, under, or run parallel to ODOT ROWs.
Oregon Department of Water Resources (ODWR)	Issue permits to appropriate surface water and groundwater. Issue limited licenses for temporary use of surface water.
Oregon Public Utilities Commission (OPUC)	Authorize interstate electric transmission lines. Inspect the natural gas facilities for safety.
LOCAL - COUNTIES	
Coos County	Issue Conditionals Use Permits.
	Issue Zoning Changes and Verifications.
	Issue Land Use Compatibility Statement (LUCS) under Statewide Planning Goals.

	Review and provide consultation regarding Jordan Cove's Energy Response Plan.
Douglas County	Issue Conditional Use Permits. Issue LUCS.
Jackson County	Issue Conditional Use Permits. Issue LUCS.
Klamath County	Issue Conditional Use Permits. Issue LUCS.
All Counties	Review permits to cross county roads.
	Review permits for excavation and grading activities.
	Review permits for disposal of solid waste generated by construction.
LOCAL - CITIES	
City of Coos Bay	Issue Conditional Use Permit Zoning Verification.
City of North Bend	Conditional Use Permit. Amend chapters 18.04 and 18.44 of North Bend Comprehensive Plan. Amend chapters 18.80, 18.84 and 18.88 of North Bend City Code.

Table 3: Major Permits, Approvals, and Consultations for the Jordan Cove Energy and Pacific Connector Gas Pipeline and Terminal Projects

(Federal Energy Regulatory Commission, 2015, p. 1.14-1.36)

Citizen Access to Complex Environmental Decision Making Processes Interview Questions

1. How did you hear about the project initially? (Flagging, neighbor, notice, etc.)
2. Since being informed of the project initially, were you able to find more information about the project or find answers to questions that came up?
 - A. What sources did you use to access this information? (company, citizen group, etc)

3. Do you have access to a resource that would provide regular updates about the project?
4. Do you feel as though the sources of information you have utilized (both in terms of updates in general information) have been reliable/sources that you trusted?
 - A. Why or why not?
5. What barriers have you faced in finding or understanding information about the project?
 - A. Has physical access to information (access to the internet, telephone, or P.O. Box) been a challenge for you in finding or receiving information about the project?
 - B. Was lack of time to research or learn more about the project a barrier for you?
 - C. Was the information you found or were provided with easy to understand?
 - i. Do you feel as though prior knowledge was needed to understand the information?
 - D. Did you feel as though legal expertise was needed in order to fully understand or respond to the information?
 - i. Were you able to obtain legal assistance if needed?
 - a.) Why or why not?
6. Overall, what was the most significant barrier you faced in finding information about/ communicating about the project?
7. In what ways could the lines of communication between yourself and the sources you were receiving information from have been improved?
8. Were you made aware of (or know about previously) the regulatory process involved with permitting projects of this nature?
9. Were you made aware of your rights or opportunities as a citizen to be involved with the regulatory process?
10. Did you engage in opportunities to share your opinions/concerns such as public meetings, public hearings or comment periods? Which opportunities did you engage in?
11. Have you faced barriers to engaging the regulatory process?

<div data-bbox="509 216 1427 903"> <ul style="list-style-type: none"> A. Were you informed when public meetings, public hearings, comment periods were occurring? <ul style="list-style-type: none"> i. Who were you informed by? B. Were public meetings, public hearings and comment periods scheduled during a time in which you were able to participate? C. Did opportunities to engage (public meetings, public hearings) take place in a location that was accessible to you? D. If you attended meetings, how did you feel as though the meetings were conducted? <ul style="list-style-type: none"> i. Did you feel as though prior knowledge was required in order to understand the information being spoken about? ii. Did you feel comfortable speaking up during the meeting? </div> <div data-bbox="363 924 1427 1008"> <p>12. Of the barriers to being involved with the regulatory process that you have listed, which has been the most significant?</p> </div> <div data-bbox="363 1029 1427 1113"> <p>13. In what ways do you feel as though your ability to engage in the regulatory process could have been improved?</p> </div> <div data-bbox="363 1134 1427 1260"> <p>14. Have you experienced physical/emotional effects of being involved with the regulatory process?</p> </div> <div data-bbox="363 1281 1427 1491"> <p>15. Do you feel as though throughout the course of this process your voice/ opinions have been heard?</p> <ul style="list-style-type: none"> A. Why or why not? B. Who did you want to hear your voice/opinions? (the company, local representatives, etc.) </div> <div data-bbox="363 1512 1427 1638"> <p>16. Anything else that you would like to add?</p> </div>

Table 4: Interview Questions

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